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1 IN THE CRIMINAL COURT OF MADISON COUNTY, TENNESSEE

2 AT JACKSON, DIVISION I

3

4 STATE OF TENNESSEE

5

6 VS.

No. 96-589

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8 JON DOUGLAS HALL

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TRANSCRIPT OF EVIDENCE

12

FEBRUARY 3, 1997

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VOLUME I

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JURY SELECTION

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AMY MAYS

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OFFICIAL COURT REPORTER

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JACKSON, TENNESSEE 38301

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Clerk of the Courts
Rec'd By *[Signature]*

1 APPEARANCES

2 Before the Honorable **WHIT LAFON**, Judge

3 For the State:

4 **MR. JERRY WOODALL**

5 **MR. AL EARLS**

6 District Attorney General's Office

7 Lowell Thomas State Office Building

8 Jackson, Tennessee 38301

9 For the Defendant:

10 **MR. JESSE HILL FORD, III**

11 **MR. CLAYTON F. MAYO**

12 Ford & Mayo

13 618 North Highland

14 Jackson, Tennessee 38301

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6 **VS.**

No. 96-589

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8 **JON DOUGLAS HALL**

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10 This case came on to be heard and was heard
11 on the 3rd, 4th and 5th days of February, 1997, before
12 the Honorable Whit LaFon, Judge, and a jury of twelve
13 and three alternates.

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1 THE COURT: Ladies and gentlemen, this is a
2 case wherein the jury will be -- the word we use is
3 sequestered. If you want to make it plain where
4 everybody can understand it, it means you're locked up
5 overnight. Now if there's any one of you who will have
6 an undue hardship -- the fact that I anticipate this
7 case will last a maximum of four days and probably just
8 three, which will be locked up two nights. So now if
9 you will, if any one of you have an undue hardship that
10 you feel like that you should not serve due to the fact
11 that you may have a sick person that you have to stay
12 with at night or something of that sort, if you will,
13 you just line up there at the rail. I'm going to let
14 you come around like you did whenever I excused people
15 that had hardships when we started off. Now I hope
16 you'll keep this to a minimum, but I'm at least going
17 to give you the opportunity.

18 All right, sir, you can come around.

19 **(Seven jurors were excused by the Court**
20 **without objection from the State or**
21 **the Defendant.)**

22 THE COURT: All right, ladies and gentlemen,
23 let's -- the lawyers have advised me that something has
24 come up that they need to confer with me, that came up
25 this morning, and we're going to have to go the jury

1 room. If you'll just be at ease.

2 (There was a pre-trial conference
3 heard in the jury room, out of the
4 hearing and presence of the jury,
5 as follows:)

6 THE COURT: All right, I believe there's
7 something that has come up, Mr. Ford, that you or Mr.
8 Mayo wish to bring to the Court.

9 MR. FORD: Yes, sir, Your Honor. Mr. Hall
10 has a concern about a statement that he had made to one
11 of the TBI investigators, Brian Byrd. Mr. Hall has
12 been asking that we suppress that statement. We have
13 discussed this matter with General Woodall. He does
14 not intend to use that statement. I'm not going to
15 speak for him as to why, but I can speculate the
16 statement is self-serving and the Attorney General does
17 not wish to use that. I have stated to Mr. Hall that
18 in that event, there's no need to have a separate
19 hearing on that, and if it comes up to the point that
20 it's going to be used, at that time we can stop the
21 trial and have that particular issue addressed to the
22 Court.

23 THE COURT: Well if it starts coming in, you
24 make your objection and we'll take it up then.

25 All right, Mr. Hall, do you have any ...

1 THE DEFENDANT: Yes, sir. It was already
2 used, it was already publicized, and it's going to be
3 put on the record. It's going to be argued. There was
4 a coercion factor involved, and --

5 THE COURT: Well, Mr. --

6 THE DEFENDANT: -- TBI Agent Byrd was
7 impeached on the stand and they failed to impeach him.

8 THE COURT: All right, Mr. Hall, I've been
9 assured here it's not going to be used. So what's in
10 the newspaper such as -- I understand you maybe gave an
11 interview or something of those kind of things. I
12 would assume if you did that you said things favorable.
13 That will not be used, as I understand it.

14 Is that right, General?

15 MR. WOODALL: I don't intend to --

16 THE DEFENDANT: He edited most of the
17 mitigation that I explained --

18 THE COURT: Mr. Hall, --

19 THE DEFENDANT: All he wanted to do was write
20 trash. That was a trash article.

21 THE COURT: Mr. Hall, that's what happens any
22 time you talk to a newspaper. I've had that happen to
23 me, but that's just part of the situation.

24 Now let me say this to you, too, now. We had
25 -- I had two lawyers that you weren't satisfied with

1 and we changed those, and two more and we changed
2 those. We have now Mr. Ford and Mr. Mayo, and when
3 we're out here in the court, if you wish to say
4 anything, you say it to your lawyer. You're not to
5 make any statements in court. Now in the event -- I
6 hope we have no problem at all, but in the event that
7 you don't behave yourself, conceivably you can be
8 removed from the room or gagged. I don't want to have
9 to do that, but I want to warn you now that any
10 statements on your behalf that you wish to have said,
11 you confer with your lawyers, you'll have time, and let
12 them say it. But now, you're not to be making
13 statements, because if you do I'll deal with you. You
14 understand?

15 THE DEFENDANT: Yes, sir. I'm not trying to
16 disrupt the court, but I can't understand why we're
17 holding this hearing in Madison County when I was
18 charged in Lexington.

19 THE COURT: Well your lawyers asked that a
20 venue be changed due to the fact of the publicity such
21 as --

22 THE DEFENDANT: Well not --

23 THE COURT: Just a minute. Such as the thing
24 as the statement that you made which was given much
25 more publicity up there, and so if you note your

1 objection to the change of venue, I assume that's what
2 you're doing, and asking your lawyers, and I'll
3 overrule that motion.

4 Now is there anything else?

5 MR. FORD: One other thing, Your Honor
6 please. The Attorney General had extended an offer to
7 Mr. Hall which he rejected, and I want to place that on
8 the record.

9 MR. WOODALL: He needs to be put under oath.

10 MR. FORD: Right.

11 THE COURT: Raise your right hand, Mr. Hall.
12 Do you swear if you're asked questions to tell the
13 truth?

14 THE DEFENDANT: I'm not testifying, Your
15 Honor.

16 THE COURT: Well, if you give a question, do
17 you swear you'll tell the truth -- if you answer a
18 question?

19 THE DEFENDANT: I'm bound by the Lord to tell
20 the truth.

21 THE COURT: All right, go ahead.

22 MR. FORD: Mr. Hall, did we, Mr. Mayo and I,
23 tell you that the Attorney General had extended an
24 offer in this case to you? Life with the possibility
25 of parole?

1 THE DEFENDANT: I told you that he was --

2 THE COURT: Just a minute now, Mr. Hall.

3 Answer the question. Did they tell you that?

4 THE DEFENDANT: Yes, sir, they did.

5 MR. FORD: And did you reject that offer?

6 THE DEFENDANT: Why should I accept a first
7 degree guilt whenever there was no premeditation in
8 this?

9 THE COURT: Mr. Hall, the question is, did
10 you reject -- did you refuse that?

11 THE DEFENDANT: Yes, sir, Your Honor.

12 MR. FORD: That's all.

13 THE COURT: I'm going to ask general
14 questions. This is what I have in mind. I want to be
15 sure that you people agree. And then when these people
16 get back here on the death penalty, he is to be back
17 here, too.

18 MR. FORD: Yes, sir.

19 THE COURT: But I'm going to make a general
20 voir dire, and I'm going to call out about 35 names.
21 I'm going to put 12 in the jury box, and I'm going to
22 go ahead, and then we'll ask any question we wish
23 except for the death penalty, and I will not require
24 you to take -- you'll not have to take your preemptory
25 challenges until we get through with the death penalty.

1 MR. FORD: All right, sir. Judge, we would
2 also ask that we be allowed to question them in private
3 about domestic problems, domestic violence, and things
4 of that nature so that that doesn't have to be exposed
5 in front of the entire venire. Those are pretty
6 sensitive questions, and of course, this case involves
7 domestic -- and if they've been divorced, that kind of
8 thing. We think that that's relevant, and we would ask
9 that we be allowed to explore that on the individual
10 voir dire.

11 MR. WOODALL: I don't disagree with that. I
12 think it would be appropriate if the Court would allow
13 individual voir dire on the death penalty, upon pre-
14 trial publicity and the domestic issue.

15 And also, Your Honor, it's my understanding
16 that Mr. Hall has filed some type of pro se motion this
17 morning. I think that needs to be put into the record.

18 MR. FORD: Did he file it? I don't know if
19 he filed it.

20 THE DEFENDANT: I just want my attorney to
21 argue the suppression motion, and if he's acting as
22 lead counsel, he's supposed to preserve my issues. If
23 he doesn't want to preserve my issues, then I don't
24 feel comfortable with him.

25 THE COURT: Well, Mr. Hall, what they have

1 stated now, this statement that you're speaking of, the
2 District Attorney has agreed it will not be used. That
3 means it will be suppressed. So there's no point of --

4 THE DEFENDANT: So then you've ruled in my
5 favor.

6 THE COURT: Yes, that's right.

7 THE DEFENDANT: Thank you.

8 THE COURT: Anything else?

9 MR. FORD: Not that I know of.

10 MR. MAYO: Your Honor, one more thing,
11 please, sir. If Your Honor is going to question on
12 pre-trial publicity, if Your Honor would ask -- and I'm
13 sure you are -- but if you would ask about the article
14 that came out this morning, if they read that. It had
15 some references to a motion that Mr. Earls filed on
16 January 24th that was asking this Court for an order
17 preventing Mr. Hall from being allowed to correspond
18 with his family members because he had sent veiled
19 threats to them. And that was in the paper this
20 morning. I just want to make sure that those jurors
21 didn't read that.

22 THE COURT: Well even if they read it, I'm
23 going to ask them if it affected them in any way.

24 MR. WOODALL: If I may suggest this to the
25 Court, if we start getting into things like that in

1 front of this whole panel, we may contaminate this
2 whole panel. I know it --

3 THE COURT: I' going to ask them, General, --

4 THE DEFENDANT: I believe it's too late for
5 that.

6 THE COURT: I'm going to ask this question.
7 I'm going to say, "Now there's been some publicity in
8 this trial that I'm sure some of you may have read. I
9 want to ask you if any one of you have read anything,
10 heard any testimony" -- not any testimony but "any
11 conversation from anyone who purported to know the
12 facts?" Also, "If you have read anything in the paper,
13 including this morning, that would in any way interfere
14 with you being fair and impartial." Then if you get
15 into it, I can't completely curb you people, so I'm
16 going to --

17 MR. WOODALL: Well that may eliminate some.

18 THE COURT: Then if you will -- What?

19 MR. WOODALL: That may solve some of the
20 problems, but if they say, yes, they have read it, --

21 THE COURT: This and that they formed an
22 opinion, well then we'll take their number and talk to
23 them in here.

24 MR. WOODALL: Okay.

25 MR. EARLS: Your Honor, could I suggest that

1 until we get a jury selected, that the Court order the
2 jury panel not to read anymore papers?

3 THE COURT: Listen, I've been preparing this
4 jury all this month, tell them not to be reading about
5 anything, tell them to read nothing. The people that
6 have been in here have heard it. I've heard it every
7 day. I've said, "Now I don't want you to read anything
8 about it in the paper, including any cases that might
9 come up."

10 THE DEFENDANT: Can I ask you what type of
11 veiled threat that they are accusing me of making
12 toward my family?

13 THE COURT: What did he say?

14 MR. FORD: What type of threat was made
15 toward his family?

16 THE COURT: I don't know anything about that.
17 I don't know what your -- I don't know anything about
18 that.

19 THE DEFENDANT: Okay. Where did the
20 publicity -- See, there is so much false publicity
21 that's been printed, and even though that I tried to
22 straighten it out with the reporter, he still
23 publicized pretty strong.

24 THE COURT: Mr. Hall, that's part of the
25 problem, you talking to reporters, because that gives

1 them an opportunity to --

2 THE DEFENDANT: I tried to straighten out the
3 lies of the press that they'd already put out before.

4 THE COURT: All right, let's go.

5 **(End of pre-trial conference out of**
6 **the hearing and presence of the jury**
7 **venire; in the presence and hearing of the**
8 **jury venire, the following proceedings**
9 **were had to-wit:)**

10 THE COURT: We'll have 12 in the jury box,
11 and I'm going to have about 32, and basically we'll
12 clear the first two rows. So if I call your name, the
13 first will be in the seat farthest from me on the
14 back. And when I call your name, I'm going to call you
15 a number. So you keep in mind your number, because we
16 may use the number for some purpose.

17 Jennifer Flanagan, Mabel Crowe, John
18 Martindale.

19 Ms. Flanagan, you're Number 8.

20 Ms. Crowe, you're Number 7.

21 Mr. Martindale, you're 24.

22 Cecil Mayfield, 26.

23 Barbara Patterson, 35.

24 Marian Oliver, 34.

25 Elizabeth Haney.

1 MR. WOODALL: Judge, you're going a little
2 bit faster than we can write.

3 THE COURT: Well we'll go back over them.

4 Elizabeth Haney, 13.

5 Martha Rucker, 38.

6 James Walker, 50.

7 Billy Reeves, 37.

8 David Gibbons, 11

9 Caroline McKee, 27.

10 All right now, if you will, you folks on the
11 first row, let's move back.

12 James Matthews, Tom Wagster, Jack Collins,
13 Barbara Jarvis.

14 Disregard these numbers. I can't keep up
15 with them, so I'm not going to ask y'all.

16 Barbara Jarvis, Linda Tubbs, Sherry Wright,
17 Judith Putnam, Donna Hammonds, Celia White, Daniel
18 Morris, Katie Maness.

19 All right, ladies and gentlemen, this is the
20 case of the State vs. Jon Douglas Hall. He's charged
21 with murder in the first degree. In a case of this
22 type, the jury, as I've stated, will be sequestered,
23 that is, they'll sleep with the county tonight and not
24 be able to go home. We'll arrange for anybody's
25 clothing, anything that you need, anything of that

1 sort.

2 The trial in this case will occur in two
3 distinct phases. The first phase will be limited to
4 the question of whether the State has proven beyond and
5 to the exclusion of every reasonable doubt the guilt of
6 the accused. Should the accused be found guilty of the
7 capital felony described in the indictment, the second
8 phase addressed to the type of penalty the jury will
9 recommend to the Court will be held. Although the
10 verdict of the penalty is advisory in nature and not
11 binding on the Court, the -- Disregard that.

12 The fact that you may have reservations about
13 or conscientious or religious objections to capital
14 punishment does not automatically disqualify you as a
15 juror in a capital case. The primary or important --
16 is whether you can subordinate your personal philosophy
17 to your duty to abide to your oath as a juror, as a
18 jury, and follow the law as I give it to you. If
19 you're willing to render a verdict that speaks the
20 truth as you find it to exist, even though such verdict
21 may lead to the imposition of the death penalty, you
22 are qualified to serve as jurors in this case.

23 If, however, you are possessed with such
24 strong opinions regarding capital punishment, no matter
25 what these opinions may be, that you could be prevented

1 from substantially -- from or substantially impaired in
2 the performance of your duties as a jury, you're not
3 qualified to serve as a juror. It is up to each one of
4 you using the standard described to search your
5 conscious to determine whether or not you're in a
6 position to follow the law as I give it to you and to
7 render a verdict as evidence warrants. Only by your
8 candor can either the accused or the State of Tennessee
9 be assured of having this extremely serious case
10 resolved by a fair and impartial juror.

11 Now as you know, ladies and gentlemen, you've
12 been on -- been serving in here as jurors for a month
13 now, and I want to commend you for your service to date
14 and want you to know I appreciate it, and I want to
15 remind you, as I've said before, that the charge itself
16 is immaterial to the jury as such. It's merely your
17 duty to set as jurors, listen to the proof and
18 determine whether or not to your satisfaction that the
19 State has proved beyond a reasonable doubt this man's
20 guilty. If not, then it's your duty to turn him loose.
21 It's the same thing as any of the other cases. As I
22 say, you've all been in here and you've heard those.
23 All of you heard, for example, the treatment of
24 witnesses, how they're handled, and officers, for
25 example, their testimony is the same as others.

1 Everybody is presumed to tell the truth, but if you
2 decide they're not, then that's your job, and the mere
3 fact the person is an officer should have nothing to do
4 with how you handle this proof. It's just another
5 witness.

6 Now, there's been some publicity in the paper
7 from time to time, and there was an article this
8 morning, for example, and I want to ask each one of the
9 members of the jury, and particularly the ones I've had
10 seated here, is there any one of you who read the paper
11 to the extent that it's caused you -- or heard any talk
12 about it or know anything about the case itself that
13 has caused you to form or express an opinion,
14 especially on the guilt or innocence of this man?

15 I've told you previously, of course, that --
16 and I've asked you not to be reading the paper, not to
17 be paying attention to the newspaper because we don't
18 try cases out of the newspaper. That's just not the
19 way we do it.

20 Now again, I want the other ladies and
21 gentlemen who have not already been called on, I want
22 each one of you now, if you will, to play that game
23 we've been playing before. You're sitting here
24 listening, and you're potential jurors, and if there's
25 anything that I say or these lawyers say that would

1 strike a nerve or turn a red light on or something, if
2 you come up here and I ask you people, "Ladies and
3 gentlemen, is there anything that's been said by any of
4 the lawyers that might prevent you from being fair and
5 impartial," then it's your absolute duty to report
6 that, and we'll consider what the situation is.

7 Now is there any member of this jury, the 12,
8 that any one of you have an opinion right now based on
9 what you're heard, if you've heard it, hopefully you
10 haven't heard it, that you could not be fair and
11 impartial?

12 I hope you understand, we don't try in
13 newspapers, and sometimes when -- Well, for example,
14 right now I've been talking to you people, and if I
15 asked one of you to write down what I've said, I'll
16 guarantee you it wouldn't be the same, and this is the
17 same situation you run into when you have newspaper
18 reporters that come and talk to you, and they edit what
19 you say, they say it in their own words, that kind of
20 thing.

21 All right, so -- And I might say also, ladies
22 and gentlemen, this happened in Lexington, and in an
23 effort to be sure that we are fair and impartial as it
24 could be, they asked and I transferred this case over
25 here to Jackson where there was less publicity.

1 So as I understand, none of you have any
2 problem about the publicity and haven't talked to
3 anybody or know anything about the cases and can be
4 fair and impartial.

5 Now what about the five on the first row?
6 Any one of you people the publicity contaminate you?
7 Any of you?

8 Ma'am, have you read something that might
9 interfere with you?

10 JUROR: I work at the paper.

11 THE COURT: Pardon? Don't tell me what it is
12 now.

13 THE COURT'S SECRETARY: She works at the
14 newspaper.

15 THE COURT: Oh, you work at the newspaper.

16 Gentleman, do y'all have any problem with --
17 Let me see y'all.

18 **(There was a conference at the bench**
19 **out of the hearing of the jury venire**
20 **as follows:)**

21 THE COURT: Do you have a problem?

22 MR. FORD: No, sir.

23 **(End of conference at the bench.)**

24 THE COURT: All right, ma'am, just to be
25 doubly sure, we're going to let you go. Now hopefully

1 -- I'm going to get the others in just a minute.

2 MR. FORD: Your Honor, what is her name?

3 THE COURT: What is your name, please?

4 JUROR: Judith Putnam.

5 THE COURT: You, sir?

6 JUROR: I work at the newspaper.

7 THE COURT: The situation the same?

8 JUROR: Yes, sir.

9 THE COURT: Well I ain't going to be any
10 easier on her than you, so you can go, too.

11 MR. WOODALL: What's his name?

12 JUROR: Daniel Morris.

13 THE COURT: Anyone else?

14 JUROR: I work for the newspaper as well.

15 THE COURT: All right, you can go, too.

16 And all of you have heard what we say about
17 the burden of proof. You've heard about the fact
18 you're not to discuss this case with anyone and not let
19 anyone discuss it with you.

20 Do any one of you ladies and gentlemen, the
21 12 there, except for the death penalty -- we're going
22 to do that -- this is a careful situation. You'll be
23 taken back -- You've heard what I said a few moments
24 ago, and we'll -- you'll be taken back and asked
25 questions to be sure. But now with the exception of

1 that, do any one of you folks -- I could sit up here
2 and ask all day, and if I didn't hit the right
3 question, if they're playing games, it might not ever
4 be, but is there anything, anything that you know of,
5 that would prevent you from being fair and impartial,
6 except for the death penalty?

7 All right, what about you five on the first
8 row there?

9 All right, General Woodall.

10 MR. WOODALL: Good morning, ladies and
11 gentlemen. I've not been in this division this term of
12 court. I'm Jerry Woodall, and I along with Al Earls
13 will be representing the State of Tennessee.

14 It's alleged by the State of Tennessee that
15 on or about the 29th day of July of 1994, that this
16 Defendant deliberately and premeditatedly went to the
17 home of his estranged wife, Billie Joe Hall, and
18 thereafter committed the offense of murder in the first
19 degree. Now, the Court's already asked you if you'd
20 read or heard anything about this that would affect
21 you, and you have told him that you have not read or
22 heard anything about this case from anyone that
23 purports to know the truth, and if you have read or
24 heard something about it, can you promise the Court
25 that you'll set that aside and make any decision that

1 you make strictly upon the law and the evidence as
2 presented here and given to you by the Court? So say
3 you all?

4 Now we certainly all know that we don't send
5 anybody to the penitentiary or to the electric chair
6 based on what we read in the Jackson Sun, don't we?
7 Okay. I know I'd want to be treated that way and I
8 know you would, too.

9 You're experienced jurors, and how many of
10 this 12 have served on a criminal jury this term of
11 court? Just about everybody, with the exception of the
12 young lady to the top left, and that being Ms.
13 Flanagan.

14 Am I pronouncing that correctly?

15 JUROR: Yes. I've been on jury duty before.

16 MR. WOODALL: On a criminal jury?

17 JUROR: Yes, sir.

18 MR. WOODALL: And that's important because
19 there's a difference in the burden of proof. The State
20 of Tennessee in a criminal action has to prove to your
21 mind beyond a reasonable doubt, to a moral certainty,
22 that the Defendant is, in fact, guilty of the offense
23 for which he's charged. And it's your duty and your
24 obligation if you serve on this jury that the State
25 does not prove to your mind beyond a reasonable doubt

1 that this Defendant is guilty of the offense for which
2 he's charged, it's your duty to acquit him; is it not?
3 And would you do that? Sure you would. That's the way
4 you'd want to be treated, and so would I.

5 But now on the other side of this coin, if
6 the State of Tennessee proves to your mind beyond a
7 reasonable doubt to a moral certainty that this
8 Defendant is, in fact, guilty of the offense for which
9 he's charged, will you follow the law and instructions
10 given to you by the Court? So say you all? Okay.

11 What we're here for is to pick 12 people
12 along with the alternates that the Court chooses to
13 have in this case to listen to all the proof and then
14 render a verdict that truth dictates and justice
15 demands. And will you help the Court in making this
16 determination? So say you all?

17 THE COURT: General, look at those 10 there,
18 too, on the front row there.

19 MR. WOODALL: Thank you.

20 THE COURT: Excuse me. I just want y'all to
21 understand you're being questioned -- these questions
22 apply to you, too. And if it in any degree might
23 affect you, we want to know about it. We want this to
24 be fair and impartial.

25 Go ahead.

1 MR. WOODALL: Thank you, Your Honor.

2 Now, as the Court has stated, this case will
3 probably last two days, possibly go into the third.
4 You've already told the Court that you'd rather be
5 somewhere else but you'll stay with us and you'll give
6 your full attention to this matter, and you have
7 nothing else that would affect you that would be
8 preying on your mind; is that correct? You'd do that.
9 All right.

10 Now, the State of Tennessee wants to read to
11 you a list of potential witnesses. I'm not -- We'll
12 try to cut this list down as much as we can to avoid
13 duplication of effort, and we're just as interested in
14 being efficient as you are and us being efficient. But
15 if you know any of these people, then we need to hear
16 from you, or any of the next group possibly does.

17 Did any of you know Billie Joe Hall during
18 her lifetime? Now Mrs. Hall was a Lambert, and her
19 parents live in Huntingdon, and she was raised over in
20 Carroll County. Now does anybody know her parents, her
21 people? She was the mother of four children, and three
22 of these children will be called as witnesses on behalf
23 of the State. I'm going to take it that none of you
24 are personally acquainted with any of the children.

25 Now, Ms. Crowe, I saw you flinch when I said

1 that we were going to call children as witnesses. I've
2 got some kiddoes myself, and I bet you do, too, and
3 some grandchildren perhaps. Does the fact that it's
4 alleged by the State of Tennessee and the proof will
5 show that these three children are witnesses to this
6 act, is that going to so affect you, Ms. Crowe, or
7 anybody else, that you couldn't be fair and impartial?

8 JUROR: No.

9 MR. WOODALL: Would be so upset about the
10 fact that these children were forced to be witnesses
11 and go through this, that that would prejudice you
12 against the Defendant?

13 JUROR: No.

14 MR. WOODALL: Will you treat these three
15 children, and this applies to everybody, just like you
16 would any other witness in a criminal case? All
17 witnesses are presumed to know the truth, to testify
18 truthfully. And y'all know from being around here for
19 several weeks that you should listen to all the proof
20 and then make up your mind as to guilt or innocence of
21 this Defendant. Will you do that? So say you all?

22 Now other potential witnesses are TBI Agents
23 Brent Booth, Brian Byrd, Captain Bingham from the
24 Henderson County Sheriff's Department, Ricky Lunsford
25 from the Henderson County Sheriff's Department. There

1 is a Bill Smith or Linda Smith, a Clinton Smith that
2 may be called, a Donna Escue from Huntingdon who is
3 related to the victim, Darlene Brown, Jackie Brittain,
4 Dr. Henderson who is the medical examiner from
5 Henderson County, Dr. O.C. Smith who is from the State
6 medical examiner's office, various lab people. I'm
7 taking it by your overwhelming silence and the fact
8 that no one's raised their hand either on the front row
9 here or in the box that you don't know any of these
10 people. And that's good. You haven't heard anything
11 from anybody that's got the hot poop, the coffee shop
12 or at work or anything like that.

13 Only you can answer this question and make an
14 honest determination. Is there any reason why any of
15 the 12 feel like that you just couldn't be a fair and
16 impartial juror in this case? Now we'll individually
17 voir dire you about the death penalty, your thoughts on
18 the death penalty, upon a finding of guilt of murder in
19 the first degree. I'm going to tell you right now, the
20 State of Tennessee is going to ask you to impose the
21 death penalty. We'll talk about that separate and
22 apart from each other.

23 But those are basically the witnesses. You
24 know that the State has the burden of proof, as it
25 should. And you are experienced jurors. You are to

1 enter this investigation with an open mind, and you are
2 prepared to listen to all the proof and then render a
3 verdict that truth dictates and justice demands.

4 Pass the panel.

5 MR. FORD: Your Honor, before I forget, I'd
6 ask the Court to impose the rule and make sure there
7 are no witnesses in here.

8 THE COURT: Any witnesses that are going to
9 testify will be go outside and remain outside until
10 they are called. Now if you don't do this and we find
11 out about it, you'll not be allowed to testify. So if
12 there's anybody in here that's been subpoenaed as a
13 witness, leave the courtroom.

14 MR. FORD: Thank you, Your Honor.

15 Ladies and gentlemen, my name is Jay Ford. I
16 along with Clay Mayo over here, my partner, we
17 represent Mr. Hall. We are here today to ask you some
18 questions. Some of these questions may be sensitive.
19 I want to apologize in advance for that. But in order
20 to ensure that we get an open and honest response from
21 you and ensure that we have a good trial here, we have
22 to go into these questions in a little more depth and
23 detail than we ordinarily would. So if you'll please
24 bear with us on this issue.

25 Also, ladies and gentlemen, I would ask you

1 if you all will each apply your everyday common sense
2 to this situation and to any situation. Will you not
3 leave that at the door? Will you bring that in with
4 you to this case? Your ordinary everyday common sense
5 and judgment.

6 I'm going to start with Ms. Flanagan, and I'm
7 not picking on anybody, but we've got to start
8 somewhere and she's in the number one seat up there.

9 Are you married, ma'am?

10 JUROR: Yes, sir.

11 MR. FORD: Have any children?

12 JUROR: Yes, sir.

13 MR. FORD: How many children do you have?

14 JUROR: Three.

15 MR. FORD: What are their ages?

16 JUROR: 16, 14 and 12.

17 MR. FORD: All right. You heard Mr. Woodall
18 say that some children may be testifying. Would that
19 bear on your ability to look at this with an open mind?

20 JUROR: No, sir.

21 MR. FORD: Where does your husband work?

22 JUROR: Porter Cable.

23 MR. FORD: Is he a supervisor there, or what
24 does he do?

25 JUROR: He's director of information systems.

1 MR. FORD: Does he -- How many people does he
2 supervise there?

3 JUROR: I don't know.

4 MR. FORD: Don't know, okay. Have you ever
5 been in the military service or National Guard?

6 JUROR: No, sir.

7 MR. FORD: How long ago did you serve on a
8 jury?

9 JUROR: I was in Federal Court last August
10 and Circuit Court about five years ago in Judge
11 Murchison's court.

12 MR. FORD: Were those both criminal cases?

13 JUROR: The ones in Circuit Court were. The
14 one in Federal Court was mail fraud. Is that criminal?

15 MR. FORD: Mail fraud, okay.

16 You all have all been told about the burden
17 of proof here and the difference in a civil case. It's
18 by a mere preponderance of the evidence, the mere
19 tipping of the scales. In a criminal case it's beyond
20 a reasonable doubt. Do y'all understand that?

21 Ms. Flanagan, have you or any family member
22 been the victim of a crime?

23 JUROR: No, sir.

24 MR. FORD: Have any close friends or
25 relatives that work in law enforcement in any way?

1 JUROR: No, sir.

2 MR. FORD: Ms. Crowe, are you married, ma'am?

3 JUROR: No, I'm not.

4 MR. FORD: Are you employed?

5 JUROR: No, retired.

6 MR. FORD: Okay. And what did you do before
7 you retired? What type of job?

8 JUROR: I worked at the bakery in Hamilton
9 Hills for 20 years.

10 MR. FORD: Have you or any of your family
11 members served in the military?

12 JUROR: No.

13 MR. FORD: I believe you indicated that you
14 had served on a jury. When was that? This term?

15 JUROR: Just recently.

16 MR. FORD: Have you been a victim of a crime
17 or had a close friend or family member that's been the
18 victim of a crime?

19 JUROR: No.

20 MR. FORD: Mr. Martindale, where are you
21 employed, sir?

22 JUROR: I own my own lawn service.

23 MR. FORD: Are you married?

24 MR. FORD: No, I'm not.

25 MR. FORD: I assume you don't have any

1 children.

2 JUROR: That's right.

3 MR. FORD: Have you served in the military?

4 JUROR: No, I haven't.

5 MR. FORD: Do you have any close friends or
6 relatives that work in law enforcement?

7 JUROR: No, I don't.

8 MR. FORD: Have you been a crime victim?

9 JUROR: No, I haven't.

10 MR. FORD: And, Ms. Crowe, I forgot to ask
11 you. Do you have any close friends or relatives that
12 work in law enforcement?

13 JUROR: No.

14 MR. FORD: Mr. Martindale, have you served in
15 the military?

16 JUROR: No, I haven't.

17 MR. FORD: I believe you had indicated when
18 you had raised your hand earlier that you had served on
19 a jury.

20 JUROR: Yes, sir.

21 MR. FORD: Was that this term?

22 JUROR: Yes, sir.

23 MR. FORD: Have you served on any other
24 juries before this term?

25 JUROR: No, sir.

1 MR. FORD: Have you been the victim of a
2 crime or had a close friend or relative that's been a
3 crime victim?

4 JUROR: No, sir.

5 MR. FORD: Have you ever worked as a security
6 guard?

7 JUROR: No, sir.

8 MR. FORD: Mr. Mayfield, good morning, sir.

9 JUROR: Good morning.

10 MR. FORD: Are you employed, sir?

11 JUROR: Retired.

12 MR. FORD: And what did you do before you
13 retired?

14 JUROR: I worked for the City of Jackson 30
15 years.

16 MR. FORD: And in what capacity?

17 JUROR: I worked for the street department,
18 health and sanitation.

19 MR. FORD: All right. Were you a supervisor
20 in that particular job?

21 JUROR: Part-time.

22 MR. FORD: Part-time. How many did you have
23 under your ...

24 JUROR: Well I didn't have but two. We
25 worked at the landfill.

1 MR. FORD: Are you married, sir?

2 JUROR: Yes, sir.

3 MR. FORD: And is your wife employed?

4 JUROR: No, she's retired.

5 MR. FORD: She's retired. Have any children?

6 JUROR: One.

7 MR. FORD: Grandchildren yet?

8 JUROR: Two.

9 MR. FORD: Of course, you've heard the
10 question that Mr. Woodall asked, if there would be some
11 children possibly testifying in here. Would this
12 affect your ability to be fair, honest, approach this
13 with an open mind?

14 JUROR: Right.

15 MR. FORD: Mr. Mayfield, have you served in
16 the armed services?

17 JUROR: No, never did.

18 MR. FORD: Any family members that served?

19 JUROR: I had a brother.

20 MR. FORD: When did he serve?

21 JUROR: '42 or 3.

22 MR. FORD: World War II?

23 JUROR: Yes.

24 MR. FORD: Sir, have you been the victim of a
25 crime or had a family member that was a victim of a

1 crime?

2 JUROR: No way.

3 MR. FORD: You're fortunate.

4 Ms. Patterson, good morning. Where are you
5 employed?

6 JUROR: Medina Banking Company.

7 MR. FORD: All right. Are you married?

8 JUROR: Yes, sir.

9 MR. FORD: Do you have any children?

10 JUROR: Two.

11 MR. FORD: Two children. And what are their
12 ages?

13 JUROR: 32 and 30.

14 MR. FORD: So they're grown. Are they
15 raised? There's a difference.

16 JUROR: Kind of.

17 MR. FORD: All right. What do you do at the
18 bank?

19 JUROR: I do loans and CD's.

20 MR. FORD: And is this -- Are you a loan
21 officer?

22 JUROR: Just kind of part-time. I just kind
23 of fill in with that. I take loan payments. I sell
24 CD's.

25 MR. FORD: Did your husband or you or any

1 family member ever serve in the armed services?

2 JUROR: My son did. He was in the Army
3 Reserve Corp.

4 MR. FORD: And I believe you indicated that
5 you had served as a juror.

6 JUROR: Yes, sir, this term.

7 MR. FORD: Have you served before this term?

8 JUROR: No, sir.

9 MR. FORD: Have you or any of your family
10 members or close friends been a victim of a crime?

11 JUROR: No.

12 MR. FORD: Are you or any of your family
13 members closely associated with or know people that
14 work in law enforcement in any capacity?

15 JUROR: No, sir.

16 MR. FORD: Ms. Oller I believe it is?

17 JUROR: Yes.

18 MR. FORD: And Ms. Oller, where are you
19 employed, ma'am?

20 JUROR: Dollar Tree.

21 MR. FORD: And what type of business is that?

22 JUROR: Retail.

23 MR. FORD: Is that here in Jackson?

24 JUROR: Yes, sir, out at West Towne Commons.

25 MR. FORD: Are you married, ma'am?

1 JUROR: Yes.

2 MR. FORD: And what does your husband do?

3 JUROR: He works at Dow Tile as a body prep.

4 MR. FORD: Do you have any children?

5 JUROR: Yes.

6 MR. FORD: And what are their ages?

7 JUROR: 35 and 40.

8 MR. FORD: Grandchildren yet?

9 JUROR: Yes, I've got a seven-year-old.

10 MR. FORD: The fact that there may be some
11 testimony in this case from children, would that have
12 any bearing on your ability to look at this with an
13 open mind?

14 JUROR: No, it wouldn't have anything to do
15 with it.

16 MR. FORD: Have you or any of your family
17 members served in the armed services?

18 JUROR: My husband did.

19 MR. FORD: And what branch?

20 JUROR: Navy.

21 MR. FORD: What years? Do you remember?

22 JUROR: '58 to 62.

23 MR. FORD: And I believe you had indicated
24 you had served as a juror before.

25 JUROR: Yes, in this term.

1 MR. FORD: This term?

2 JUROR: Yes, sir.

3 MR. FORD: Do you have any close friends or
4 family members who are involved in law enforcement?

5 JUROR: I know some deputy sheriffs, but
6 that's it.

7 MR. FORD: The fact that you just -- Are they
8 just acquaintances?

9 JUROR: Yeah.

10 MR. FORD: All right. You never discussed
11 their duties or their business or any cases?

12 JUROR: No.

13 MR. FORD: Have you or any close friends or
14 relatives been a victim of a crime?

15 JUROR: No.

16 MR. FORD: Ms. Haney. And where do you work,
17 Ms. Haney?

18 JUROR: I have my own business.

19 MR. FORD: And what type business is that?

20 JUROR: A cleaning service.

21 MR. FORD: And that's here in Jackson I
22 assume?

23 JUROR: Yes.

24 MR. FORD: Are you married?

25 JUROR: Uh-huh.

1 MR. FORD: Have any children?

2 JUROR: I have a 15-year-old.

3 MR. FORD: Does your husband -- Where does
4 your husband work?

5 JUROR: He's sales managers for 93.1 radio
6 station.

7 MR. FORD: So I assume you listen to the
8 radio. Or not?

9 JUROR: Not much.

10 MR. FORD: Not much. Okay. Have you or your
11 husband or any family member served in the military?

12 JUROR: No.

13 MR. FORD: And did you indicate that you had
14 served on a jury before?

15 JUROR: This term.

16 MR. FORD: This term for this court?

17 JUROR: Yes.

18 MR. FORD: Have you served in any other
19 capacity before?

20 JUROR: No.

21 MR. FORD: Do you have any close friends or
22 relatives that are employed in law enforcement or
23 connected with law enforcement?

24 JUROR: No.

25 MR. FORD: Have you or any of your family

1 members ever been a victim of a crime?

2 JUROR: No.

3 MR. FORD: Ms. Rucker. Good morning, Ms.
4 Rucker.

5 JUROR: Good morning.

6 MR. FORD: Are you employed, Ms. Rucker?

7 JUROR: Jackson-Madison County General
8 Hospital.

9 MR. FORD: And what did you do at the
10 hospital, ma'am?

11 JUROR: Environmental service technician.

12 MR. FORD: And how long have you been at the
13 hospital?

14 JUROR: Eighteen years.

15 MR. FORD: And are you married?

16 JUROR: No, sir.

17 MR. FORD: Do you have any children?

18 JUROR: Six.

19 MR. FORD: Six children. Grandchildren?

20 JUROR: Eleven.

21 MR. FORD: That's quite a family there. Mr.
22 Woodall pointed out that there will be some testimony
23 from children in this case. Would that bear in any way
24 on your ability to approach this with an open, honest
25 frame of mindset?

1 JUROR: No.

2 MR. FORD: Do you supervise any employees at
3 the hospital?

4 JUROR: No, sir.

5 MR. FORD: Have you or any of your family
6 served in the military?

7 JUROR: No, sir.

8 MR. FORD: Now I believe you had indicated
9 you had served on a jury before.

10 JUROR: This term.

11 MR. FORD: This term, okay. This is the
12 first time. Do you have any close friends or relatives
13 that are connected with law enforcement?

14 JUROR: No, sir.

15 MR. FORD: Have you or any close friends or
16 relatives been a victim of a crime?

17 JUROR: No, sir.

18 MR. FORD: Mr. Walker, good morning, sir.

19 JUROR: Good morning.

20 MR. FORD: I know you've heard these
21 questions, and please bear with me. I'm trying to go
22 through these as fast as I can. Where are you
23 employed, sir?

24 JUROR: I'm retired.

25 MR. FORD: Are you married?

1 JUROR: Yes.

2 MR. FORD: Do you have any children?

3 JUROR: Three.

4 MR. FORD: Does your wife work outside the
5 home?

6 JUROR: Yes, she works.

7 MR. FORD: Okay, sir, where does she work?

8 JUROR: Lane College.

9 MR. FORD: What does she do at Lane?

10 JUROR: She's a loan collector. She collects
11 outstanding loans.

12 MR. FORD: Student loans?

13 JUROR: Yes.

14 MR. FORD: All right. Have you, sir, or any
15 of your family members served in the military?

16 JUROR: No.

17 MR. FORD: And have you served as a juror
18 before?

19 JUROR: This term.

20 MR. FORD: In this court.

21 JUROR: Right.

22 MR. FORD: Have you served before in any
23 other court as a juror?

24 JUROR: No, I haven't.

25 MR. FORD: Do you have any close friends or

1 relatives that are connected with law enforcement?

2 JUROR: No, I don't.

3 MR. FORD: Have you been the victim of a
4 crime?

5 JUROR: No, I haven't.

6 MR. FORD: Any relatives been a victim of a
7 crime?

8 JUROR: No.

9 MR. FORD: Mr. Reeves, good morning, sir.
10 How are you today?

11 JUROR: Fine.

12 MR. FORD: Where are you employed, Mr.
13 Reeves?

14 JUROR: Tennessee Department of
15 Transportation.

16 MR. FORD: And what do you do there?

17 JUROR: I do bridge repair.

18 MR. FORD: Are you married, sir?

19 JUROR: Yes, sir.

20 MR. FORD: Do you have any children?

21 JUROR: Yes, sir, I have two, 16 and 20.

22 MR. FORD: Does your wife work outside the
23 home?

24 JUROR: Yes, sir.

25 MR. FORD: And where is she employed?

1 JUROR: Kerr Plastic.

2 MR. FORD: What does she do there?

3 JUROR: Quality assurance.

4 MR. FORD: Is she a supervisor in any
5 capacity?

6 JUROR: No, sir.

7 MR. FORD: Sir, have you or any of your
8 family members served in the military?

9 JUROR: No, sir, just my brother.

10 MR. FORD: Your brother, okay. And were you
11 one of the ones that had indicated you had served on a
12 jury before?

13 JUROR: Yes, sir, just this term.

14 MR. FORD: This term, okay. Do you have any
15 family members, close friends or relatives that are
16 connected with law enforcement in any way?

17 JUROR: No, sir.

18 MR. FORD: Have you been the victim of a
19 crime?

20 JUROR: No, sir.

21 MR. FORD: Any family member been a victim of
22 a crime?

23 JUROR: No, sir.

24 MR. FORD: Mr. Gibbons, good morning, sir.
25 Where are you employed, sir?

1 JUROR: Porter Cable.

2 MR. FORD: And in what capacity?

3 JUROR: I am the stock room material handler.

4 MR. FORD: And are you married, sir?

5 JUROR: Yes, sir.

6 MR. FORD: Do you have any children?

7 JUROR: Three.

8 MR. FORD: What are their ages?

9 JUROR: Two, six and nine.

10 MR. FORD: You've heard my question about
11 children possibly testifying. What would your answer
12 be? That you could enter this with an open mind?

13 JUROR: Yes, sir.

14 MR. FORD: Have no affect on your judgment.

15 JUROR: No, sir.

16 MR. FORD: And where is your wife employed?
17 Does she work outside the home?

18 JUROR: She's an R.N. supervisor for a home
19 health agency. She's got two or three people under
20 her.

21 MR. FORD: Okay, you're picking up on my
22 questions. I appreciate that. It makes things go a
23 little quicker. Have you been in the military service?

24 JUROR: No, sir.

25 MR. FORD: Any family member been in the

1 military service?

2 JUROR: No, sir.

3 MR. FORD: Have you served as a juror before?

4 JUROR: This term.

5 MR. FORD: All right. Do you have any close
6 friends or relatives that are connected with law
7 enforcement?

8 JUROR: Richard Higgins is my uncle, and he
9 works in records. I see him about -- at Christmas and
10 weddings and funerals, and his son-in-law is on the
11 police force, and I see him about the same. But it
12 wouldn't have any affect.

13 MR. FORD: All right, thank you, sir. Have
14 you or any family member been a victim of a crime?

15 JUROR: No, sir.

16 MR. FORD: And Ms. McKee, last but not least.
17 Where are you employed, Ms. McKee?

18 JUROR: Jackson-Madison County schools.

19 MR. FORD: And what do you do with the school
20 system?

21 JUROR: I'm a computer lab manager.

22 MR. FORD: And do you have to supervise
23 employees in that capacity?

24 JUROR: No.

25 MR. FORD: Are you married, ma'am?

1 JUROR: Yes.

2 MR. FORD: What does your husband do?

3 JUROR: Bell South, repair technician, and
4 he's president of Communication Workers of America.

5 MR. FORD: Do you have any children?

6 JUROR: One grown son.

7 MR. FORD: Were you or any family members --
8 did they ever serve in the military?

9 JUROR: My father was in the Navy during
10 World War II. My husband was in the National Guard.

11 MR. FORD: Is he retired from the National
12 Guard?

13 JUROR: Well, he's no longer in it. I don't
14 know that he retired from it.

15 MR. FORD: Okay. I believe you had indicated
16 that you had served as a juror.

17 JUROR: This term.

18 MR. FORD: Is that the only time you've ever
19 served?

20 JUROR: Yes, sir.

21 MR. FORD: Do you have any close friends or
22 family members that are connected with law enforcement
23 in any way?

24 JUROR: I have a first cousin who is a
25 Tennessee Highway Patrol.

1 MR. FORD: Anybody else?

2 JUROR: No.

3 MR. FORD: Would that have any affect on your
4 ability to enter this with an open mind?

5 JUROR: No, sir.

6 MR. FORD: Have you or any family member been
7 the victim of a crime?

8 JUROR: As we said in another case, just a
9 car theft.

10 MR. FORD: Just car theft, okay. And was
11 that you or your husband?

12 JUROR: Well, my car was stolen on two
13 different occasions. I wasn't driving it either of
14 those times.

15 MR. FORD: I understand. Okay. The fact
16 that that unfortunate event happened in your life,
17 would that have any bearing on your ability to enter
18 this with an open mind?

19 JUROR: No.

20 THE COURT: Mr. Ford, go ahead with those
21 other 10 there. I don't mean to get you off beat, but
22 ...

23 MR. FORD: Yes, sir, I understand.

24 Mr. Matthews, good morning.

25 JUROR: Good morning.

1 MR. FORD: Mr. Matthews, the fact that we've
2 known each other for quite some time and we live two or
3 three houses apart and see each other occasionally,
4 would that have any bearing on your ability to enter
5 this with an open mind?

6 JUROR: No, sir. I've known General Woodall.

7 MR. FORD: And I know many, many things about
8 Mr. Matthews, so I think we can speed right through
9 him.

10 Mr. Matthews, have you been the victim of a
11 crime?

12 JUROR: My house has been burglarized twice.

13 MR. FORD: The fact that that occurred, that
14 unfortunate event occurred, would that have any bearing
15 on your ability to enter this with an open mind?

16 JUROR: No, sir.

17 MR. FORD: Since I know Mr. Matthews, I'll
18 move on to ... Mr. Wagster, is it?

19 JUROR: Yes.

20 MR. FORD: Mr. Wagster, are you employed,
21 sir?

22 JUROR: No, I'm retired. I do part-time
23 work.

24 MR. FORD: Part-time work. Where do you work
25 now, sir?

1 JUROR: Serra Chevrolet.

2 MR. FORD: What did you do before you retired
3 full-time?

4 JUROR: Service manager for Truex.

5 MR. FORD: Are you married, sir?

6 JUROR: Yes.

7 MR. FORD: And do you have any children?

8 JUROR: Five.

9 MR. FORD: Five children. How many
10 grandchildren?

11 JUROR: Six. I have to count them. I have
12 several.

13 MR. FORD: Several grandchildren. You heard
14 Mr. Woodall bring up the fact that he expects some
15 children will be testifying here. Would that bear on
16 your ability to enter this with an open mind?

17 JUROR: Slightly.

18 MR. FORD: All right. Slightly in what way,
19 sir?

20 JUROR: I'd hate for my three girl
21 grandchildren to testify about anything.

22 MR. FORD: Yes, sir, we can understand that.
23 What we're getting at here is that, would that affect
24 your judgment? Would that affect your being able to
25 set that aside and come in and be totally honest about

1 this situation?

2 JUROR: Not really.

3 THE COURT: Mr. Wagster, the fact that you
4 have grandchildren, would that in any way prevent you
5 from being fair and impartial as a juror, listen to the
6 proof which could include children and arrive at a
7 verdict based on the proof that you hear in this
8 courtroom and that alone?

9 JUROR: I don't think so.

10 THE COURT: You don't think you could.

11 JUROR: I don't think it would bother my
12 judgment.

13 THE COURT: Well they got a right to a yes or
14 no answer. Don't think. You're going to have to make
15 a decision.

16 JUROR: No, sir.

17 THE COURT: Would it any way interfere with
18 you? Just say yes or no. That's all they want to
19 know.

20 JUROR: Yes, it would.

21 THE COURT: It would?

22 JUROR: Yes, sir.

23 MR. FORD: Challenge him for cause, Your
24 Honor please.

25 THE COURT: All right, Mr. Wagster, you may

1 go.

2 MR. FORD: Mr. Collins I believe it is?

3 JUROR: Yes, sir.

4 MR. FORD: All right, sir. Where are you
5 employed, Mr. Collins?

6 JUROR: I inspect bridges for the state.

7 MR. FORD: And I guess you know Mr. Reeves.

8 JUROR: Yes.

9 MR. FORD: Okay. And are you married, sir?

10 JUROR: Yes, sir.

11 MR. FORD: How many children do you have?

12 JUROR: We have three.

13 MR. FORD: Does your wife work outside the
14 home?

15 JUROR: She works for the Madison County
16 property assessor at this time.

17 MR. FORD: Have you served in the military,
18 sir?

19 JUROR: National Guard.

20 MR. FORD: Are you still currently --

21 JUROR: No.

22 MR. FORD: Have you served as a juror before
23 in a case?

24 JUROR: Yes, sir, this term.

25 MR. FORD: Do you have any close friends or

1 relatives that are connected in law enforcement?

2 JUROR: I got some friends that I golf with
3 that are policemen.

4 MR. FORD: Would that have any bearing on
5 your ability to enter this with an open mind?

6 JUROR: No.

7 MR. FORD: Have you been a victim of a crime
8 or had close friends or family members that have been
9 victims of crimes?

10 JUROR: My house was burglarized twice in
11 five years.

12 MR. FORD: The fact that that occurred, that
13 unfortunate event, would that have an --

14 JUROR: No.

15 MR. FORD: All right, sir. I understand.

16 Ms. Jarvis, where are you employed?

17 JUROR: The Jackson-Madison County School
18 System.

19 MR. FORD: And what do you do with the school
20 system?

21 JUROR: I'm a home-bound teacher.

22 MR. FORD: Are you married, ma'am?

23 JUROR: Yes, sir.

24 MR. FORD: And do you have any children?

25 JUROR: Two sons, 20 and 21.

1 MR. FORD: Is your husband employed?

2 JUROR: He works at Van de Kamp's.

3 MR. FORD: Have you or he or any close
4 friends or relatives, family members, served in the
5 military?

6 JUROR: No.

7 MR. FORD: Have you served as a juror before?

8 JUROR: This term.

9 MR. FORD: And only this term?

10 JUROR: Yes.

11 MR. FORD: Have you been the victim of a
12 crime or had a family member that's been the victim of
13 a crime?

14 JUROR: No.

15 MR. FORD: Ms. Tubbs, where are you employed?

16 JUROR: Westover Baptist Child Care Center.

17 MR. FORD: Are you married, ma'am?

18 JUROR: Yes.

19 MR. FORD: And does your husband work outside
20 the home?

21 JUROR: Yes, sir, ADM.

22 MR. FORD: What does he do there?

23 JUROR: He's a miller.

24 MR. FORD: Okay.

25 JUROR: He grinds corn is all I know.

1 MR. FORD: All right. Have you or he served
2 in the military?

3 JUROR: No.

4 MR. FORD: Have you served as a juror before?

5 JUROR: This time.

6 MR. FORD: Do you have any close friends or
7 relatives that are connected in any way with law
8 enforcement?

9 JUROR: No, sir.

10 MR. FORD: Have you or any family member been
11 the victim of a crime?

12 JUROR: No, sir.

13 MR. FORD: Ms. Wright, where are you
14 employed?

15 JUROR: Jackson Clinic.

16 MR. FORD: What do you do there?

17 JUROR: I am the reimbursement clerk.

18 MR. FORD: Oh, they give out -- Never mind.
19 Okay. That kind of confused me there a little bit.
20 Are you married, ma'am?

21 JUROR: Yes, sir.

22 MR. FORD: And what does your husband do?

23 JUROR: He's the maintenance tech out at
24 Montell.

25 MR. FORD: And do you have any children?

1 JUROR: Three.

2 MR. FORD: What are their ages?

3 JUROR: 24, 22 and 19.

4 MR. FORD: Have you or your husband or any
5 family member served in the military?

6 JUROR: My father did.

7 MR. FORD: What capacity?

8 JUROR: World War II.

9 MR. FORD: Have you served as a juror before,
10 ma'am?

11 JUROR: Yes, this term.

12 MR. FORD: How about any other court?

13 JUROR: No.

14 MR. FORD: Do you have any close friends or
15 relatives that are connected with law enforcement?

16 JUROR: I have a friend who is a Highway
17 Patrolman in Dixon, Tennessee I see maybe twice a year.

18 MR. FORD: Dixon, Tennessee Highway Patrol.
19 Don't discuss any cases or anything, just casual
20 friends?

21 JUROR: Very seldom see him.

22 MR. FORD: Have you or any family member been
23 a crime victim?

24 JUROR: No.

25 MR. FORD: Ms. Hammonds, where are you

1 employed, ma'am?

2 JUROR: I'm a sales clerk with Foliage
3 Designs.

4 MR. FORD: And are you married?

5 JUROR: I am.

6 MR. FORD: Do you have any children?

7 JUROR: I have one child six years old and
8 one stepson who is 16.

9 MR. FORD: Does your husband work?

10 JUROR: He works for Fence Masters.

11 MR. FORD: Is he a supervisor? Does he
12 supervise anybody?

13 JUROR: He has a crew of three people he
14 supervises.

15 MR. FORD: Has he served in the military or
16 have you or any other family member?

17 JUROR: He was in the Air Force before we
18 married.

19 MR. FORD: And how long ago was that?

20 JUROR: It was '75.

21 MR. FORD: Have you served as a juror, ma'am?

22 JUROR: During this term.

23 MR. FORD: Have you served in any other court
24 as a juror?

25 JUROR: No, sir.

1 MR. FORD: Do you have any close friends or
2 relatives that are connected to law enforcement?

3 JUROR: I have a friend that works for the
4 sheriff's department.

5 MR. FORD: All right. Do you see him on an
6 infrequent or frequent basis?

7 JUROR: Infrequent.

8 MR. FORD: You've never discussed any cases
9 or anything of that nature?

10 JUROR: No, sir.

11 MR. FORD: Have you ever had a family member
12 that's been a victim of a crime?

13 JUROR: No, sir.

14 MR. FORD: Or have you been a victim of a
15 crime?

16 JUROR: No, sir.

17 MR. FORD: Ms. White, are you employed,
18 ma'am?

19 JUROR: Homemaker.

20 MR. FORD: That's full-time. Do you have any
21 children?

22 JUROR: Three, three boys, eight, ten and 21.

23 MR. FORD: You are busy. Does your husband
24 work?

25 JUROR: He's self-employed, real estate

1 investment and farming.

2 MR. FORD: Has he been in the military?

3 JUROR: Air Force. He was in Okinawa.

4 MR. FORD: When was he in the Air force?

5 JUROR: During the Vietnam War.

6 MR. FORD: Did he serve in Vietnam?

7 JUROR: In Okinawa.

8 MR. FORD: Have you served as a juror, ma'am?

9 JUROR: Just this term.

10 MR. FORD: Do you have any close friends or
11 relatives that are connected in law enforcement?

12 JUROR: No.

13 MR. FORD: Have you or any family member been
14 a crime victim?

15 JUROR: Arson.

16 MR. FORD: Okay. When did that happen?

17 JUROR: A couple of years ago. Someone
18 burned a building we owned.

19 MR. FORD: Was that crime resolved? Did you
20 find out who it was?

21 JUROR: No.

22 MR. FORD: The fact that you've been a crime
23 victim of a very serious crime, would that have any
24 bearing on your ability to have an open and honest
25 mindset in entering upon this case if you are called to

1 serve?

2 JUROR: No.

3 MR. FORD: Ms. Maness, are you employed?

4 JUROR: Yes, sir, I work for Piercey
5 Employment as dispatcher and just general flunkie.

6 MR. FORD: Everything. Right, I understand.
7 Are you married, ma'am?

8 JUROR: Yes, sir.

9 MR. FORD: And does your husband work outside
10 the home?

11 JUROR: He's a patient in the nursing home in
12 Brownsville.

13 MR. FORD: Do you have any children?

14 JUROR: We have three, two daughters and a
15 son, a 33-year-old, have one 31 and my son is 29.

16 MR. FORD: Have any grandchildren yet?

17 JUROR: I have six grandchildren.

18 MR. FORD: All right. I hate to keep
19 bringing this up, but Mr. Woodall alluded to the fact
20 that there would be some children that would be
21 testifying here today. You do have grandchildren.
22 Would that bear on your ability to enter this with an
23 open, honest mindset in looking at this situation?

24 JUROR: I don't think so.

25 MR. FORD: You don't think so?

1 JUROR: I don't think it would bother me.

2 MR. FORD: It wouldn't bother you, okay.

3 That's what I was getting at. Have you served in the
4 military or any family members served in the military?

5 JUROR: My brother served in the military
6 years ago.

7 MR. FORD: Have you ever served as a juror
8 before?

9 JUROR: In this court.

10 MR. FORD: This court. Is this the only
11 time?

12 JUROR: Yes.

13 MR. FORD: Do you have any close friends,
14 family members that are connected with law enforcement
15 in any way?

16 JUROR: No.

17 MR. FORD: Have you been the victim of a
18 crime or had a family member that was a victim of a
19 crime?

20 JUROR: My sister's house was broken into
21 about three times, but other than that ...

22 MR. FORD: Would that affect your ability to
23 be fair?

24 JUROR: No.

25 MR. FORD: Your Honor, I believe that's all

1 the questions I have at this time other than individual
2 voir dire questions.

3 THE COURT: All right, ladies and gentlemen,
4 what we're going to have to do -- we're not going to
5 have to -- what we're going to do is we're going to
6 take each one of you individual, one at a time, for
7 further discussion with regard to the death penalty.

8 Let's go to the jury room, and the officers
9 will bring the jurors in one by one.

10 **(The following proceedings were**
11 **had in the jury room:)**

12 MR. WOODALL: Is Your Honor ready for me to
13 proceed?

14 THE COURT: Yes, sir. Let me say -- Let's
15 see, your name is?

16 JUROR: Mrs. Jennifer Flanagan.

17 THE COURT: All right. Jennifer, you heard
18 what I said. It's going to be in a few phases, and the
19 fact that we have the death penalty, ma'am, are you
20 opposed or in favor of the death penalty?

21 JUROR: Well I really don't have any opinion.

22 THE COURT: Have no opinion, all right. Do
23 you feel like that you can follow the law, and if this
24 person is proven guilty beyond a reasonable doubt,
25 would you vote for a conviction?

1 JUROR: Yes, sir.

2 THE COURT: And as I understand it, you would
3 follow the law; is that right?

4 JUROR: Yes, sir.

5 THE COURT: As I charge you.

6 JUROR: Yes, sir.

7 THE COURT: And the fact that there is the
8 death penalty would not interfere with you doing your
9 duty; is that right?

10 JUROR: That's right.

11 THE COURT: All right, General.

12 **EXAMINATION BY MR. WOODALL;**

13 Q Upon a finding of guilt of murder in the
14 first degree, the State of Tennessee is going to ask
15 you to impose the death penalty, Ms. Flanagan. Can you
16 fairly consider the death penalty along with other
17 forms of punishment?

18 A Yes, sir.

19 Q And will you do that?

20 A Yes, sir.

21 MR. WOODALL: Thank you.

22 That's all.

23 **EXAMINATION BY MR. FORD:**

24 Q Ms. Flanagan, there's some pretty sensitive
25 areas that we have to go into here. Have you been the

1 victim or do you have any close friends or relatives
2 that have been the victim of domestic abuse in any way,
3 marital -- suffered marital difficulties or anything of
4 that nature?

5 A No, sir.

6 Q As you know, the State is seeking the death
7 penalty. However, there are other forms of punishment
8 that can be considered in a case such as this, such as
9 life without parole or life with the possibility of
10 parole. Would you be willing to consider all three
11 forms of punishment?

12 A Yes, sir.

13 Q There are various degrees of murder,
14 premeditated, first degree, and a lesser included
15 offense of second degree, which would result in --
16 there are different things and different elements that
17 the State has to prove. Will you carefully consider
18 all of those elements that are required of premeditated
19 first degree murder and make the State prove those to
20 your satisfaction and beyond a reasonable doubt?

21 A Yes, sir.

22 MR. FORD: I have no more questions.

23 **(JUROR EXCUSED.)**

24 - - - - -

25 THE COURT: State your name, please, ma'am.

1 JUROR: Mabel Crowe.

2 THE COURT: All right, Mabel, you heard what
3 I said with regard to the fact that you'll be
4 considering the death penalty. Let me ask you this.
5 Are you opposed or in favor of the death penalty?

6 JUROR: I would say that I'm for it.

7 THE COURT: All right, then, would you have
8 any hesitancy if you served -- Would you consider --
9 Would you return the death penalty merely because it's
10 asked for, or would you follow the law that I charge
11 you with?

12 JUROR: I wouldn't unless I was sure of it.

13 THE COURT: You would consider the death
14 penalty; is that correct?

15 JUROR: Yeah.

16 THE COURT: But would you automatically
17 return it?

18 JUROR: No.

19 THE COURT: All right, General.

20 **EXAMINATION BY MR. WOODALL:**

21 Q Ms. Crowe, upon a finding of guilt of murder
22 in the first degree, the State of Tennessee is going to
23 ask you to impose the death penalty. Now can you
24 fairly consider the death penalty along with other
25 forms of punishment and will you do so?

1 A No. I can't do that.

2 Q You cannot impose the death penalty? Is that
3 what you're saying?

4 A Uh-huh.

5 Q All right. While ago you told the Court that
6 --

7 A Yeah, but I thought about it.

8 Q In thinking about it, are you telling me that
9 even though that's the law in the State of Tennessee,
10 that if the State proves to your mind beyond a
11 reasonable doubt and to a moral certainty and the
12 person is found guilty of premeditated murder, that you
13 just can't impose the death penalty?

14 A Oh, if it's premeditated murder I could.

15 Q Well you've got me confused.

16 A Ask me a question again.

17 Q All right, let's try it one more time. Could
18 you, number one, fairly consider the death penalty
19 along with other forms of punishment?

20 A Yeah, I could do that.

21 Q You could consider it.

22 A Yes, I'd consider it.

23 Q All right. Now the question then becomes, if
24 it's the law in the State of Tennessee that if an
25 individual is found guilty of murder in the first

1 degree that he's to receive the death penalty, can you
2 follow the law and instructions given to you by the
3 Court?

4 A Yes.

5 Q You could impose the death penalty?

6 A Yes.

7 Q And you would do so if that's the law in the
8 State of Tennessee.

9 A If that's the law, yes.

10 Q Now, you said you thought about it and that
11 you couldn't do it, and now you're saying you can.

12 A Yeah, I can do it, uh-huh.

13 MR. WOODALL: I don't have anymore questions.

14 **EXAMINATION BY MR. MAYO:**

15 Q Ms. Crowe, General Woodall has just asked the
16 question. I think you responded just a minute ago
17 about considering the death penalty in the premeditated
18 murder case.

19 A Uh-huh.

20 Q Do you understand that there are different
21 degrees of murder in the State of Tennessee? That
22 there's first degree murder which allows the State to
23 ask for the death penalty, and there's second degree
24 murder which the death penalty does not go along with.
25 That can't be punishment in second degree murder. Are

1 you willing to listen to all the proof and consider the
2 different elements of first degree murder and second
3 degree murder and hold the State to the burden of proof
4 of beyond a reasonable doubt on each and every element
5 of the degree or murder they ask for?

6 A I think so.

7 THE COURT: Well don't say "I think".

8 A I can.

9 Q As stated, in the first degree murder case it
10 has to be proven that it's premeditated and that it was
11 deliberate, which is with cool purpose. And second
12 degree doesn't require those elements.

13 A Uh-huh.

14 Q Have you or anyone close to you been the
15 victim of domestic abuse, any violence between --

16 A No.

17 Q No daughters or sons?

18 A No.

19 Q There are three different forms of punishment
20 if the State proves beyond a reasonable doubt that Mr.
21 Hall committed first degree murder, and those three
22 different forms are life with parole, life without
23 parole and the death penalty. If the State proves
24 first degree murder, will you consider all three
25 different forms of punishment?

1 THE COURT: If that's the law, if that's what
2 you're charged.

3 A If that's what the charge is?

4 Q Yes, ma'am.

5 A Uh-huh, I can.

6 Q What was the hesitancy, please, ma'am?

7 A Well, I didn't understand exactly.

8 Q Okay. If Mr. Hall was convicted of first
9 degree murder, the State is asking for the death
10 penalty. But there are two different forms of
11 punishment that the jury can impose.

12 A Yeah.

13 Q The other two other than the death penalty
14 are life without parole and life with parole. Would
15 you consider all of those, those three different forms
16 of punishment in trying to reach a decision as to how
17 Mr. Hall should be punished, if the State proves the
18 first degree murder case?

19 A Uh-huh.

20 Q Did I make that a little bit clearer?

21 A Yeah.

22 THE COURT: What it is, ma'am, if you find
23 him guilty of murder, then you will consider what the
24 punishment would be, and it will either be death or
25 life without parole or death with parole, and you'll

1 have those two choices.

2 JUROR: I understand that.

3 THE COURT: Well will you consider all three
4 of them?

5 JUROR: Yes.

6 MR. WOODALL: Your Honor, let me -- one thing
7 we haven't pointed out to this juror that could assist
8 her.

9 THE COURT: Sure.

10 **FURTHER EXAMINATION**

11 **BY MR. WOODALL:**

12 Q The law is in the State of Tennessee that
13 before you can render a death penalty conviction, that
14 the aggravating circumstances have to outweigh the
15 mitigating circumstances. And if the aggravating
16 circumstances outweigh the mitigating circumstances,
17 the law in the State of Tennessee is that you shall
18 impose the death penalty. So the question then
19 becomes, if the aggravating circumstances, the State
20 proves to your mind beyond a reasonable doubt that they
21 outweigh the mitigating circumstances, will you follow
22 the law and instructions of the Court and impose the
23 death penalty?

24 A Yes.

25 (JUROR EXCUSED.)

1 - - - - -

2 THE COURT: Sir, you've heard what I read a
3 moment ago about the fact that this will be a -- two
4 distinct phases.

5 JUROR: Yes, sir.

6 THE COURT: And if you find the person
7 guilty, then you come to the sentencing. Now if it's
8 proved -- If you're charged -- You will be charged as
9 to how to handle that, and the charge will be that if
10 you find him guilty, then you'll either assess the
11 death penalty or life without parole or life with
12 parole, and you'll do that on the basis of aggravating
13 and mitigating circumstances.

14 JUROR: Right.

15 THE COURT: First off, do you believe in the
16 death penalty?

17 JUROR: No, sir.

18 THE COURT: All right, if you believe in the
19 death penalty, would you automatically vote for the
20 death penalty regardless of the evidence?

21 JUROR: Well I don't believe in it, so I
22 wouldn't vote for it.

23 THE COURT: You wouldn't vote for what?

24 JUROR: The death penalty.

25 THE COURT: You wouldn't under any

1 circumstances?

2 JUROR: No, sir. I just couldn't do it.

3 THE COURT: All right, I believe he's ...

4 MR. FORD: If I may, Your Honor please.

5 **EXAMINATION BY MR. FORD:**

6 Q Mr. Martindale, the death penalty is called
7 for in certain circumstances under Tennessee law.

8 A I understand.

9 Q But what I'm asking you is, could you
10 consider that as one form of punishment along with life
11 with parole or life without parole? There are three
12 forms of punishment. We're asking if you would just be
13 willing to consider --

14 A The death penalty, no, sir.

15 Q Under no circumstances.

16 A No, sir.

17 THE COURT: All right, I don't see any reason
18 -- I'd just let him go. Do y'all agree?

19 MR. FORD: Yes, sir.

20 MR. WOODALL: Yes, sir.

21 **(JUROR EXCUSED.)**

22 - - - - -

23 THE COURT: Tell us your name.

24 JUROR: Cecil Mayfield.

25 THE COURT: Mr. Mayfield, do you believe in

1 the death penalty?

2 JUROR: Yes, sir, I do.

3 THE COURT: In a case of this type, if you --
4 would you -- if the case should reach the penalty
5 phase, would you vote automatically for the imposition
6 of the death penalty without -- regardless of the
7 evidence and the law?

8 JUROR: Well I'd want the evidence.

9 THE COURT: Take evidence before you -- Do I
10 understand you -- You say you're for the death penalty,
11 but you'll consider the evidence; is that correct?

12 JUROR: Right.

13 THE COURT: You wouldn't automatically -- You
14 say you wouldn't automatically do it, would you?

15 JUROR: Well not automatically, no.

16 THE COURT: All right, now, what you're going
17 to find out is if he's found guilty by the jury of this
18 charge, then the jury will consider three things,
19 whether it should be the death penalty or life without
20 parole or life with parole. Would you consider all
21 three of them if I charge you that to be the law?

22 JUROR: Well, yes, sir.

23 THE COURT: All right, General.

24 **EXAMINATION BY MR. WOODALL:**

25 Q Mr. Mayfield, upon a finding of guilt of

1 murder in the first degree, the State of Tennessee is
2 going to ask you to impose the death penalty. Can you
3 fairly consider the death penalty along with other
4 forms of punishment?

5 A Well I believe in the death penalty.

6 Q All right, the second question then becomes:
7 Before a -- The law in the State of Tennessee is that
8 before a death penalty can be imposed, that the jury
9 has to find beyond a reasonable doubt that the
10 aggravating circumstances outweigh the mitigating
11 circumstances. And if the aggravating circumstances
12 you find do outweigh the mitigating circumstances, it
13 becomes the duty and obligation to impose the death
14 penalty. And will you do that?

15 A Yes, sir.

16 MR. WOODALL: Thank you.

17 - - - - -

18 **EXAMINATION BY MR. MAYO:**

19 Q Mr. Mayfield, to begin with, this is a first
20 degree murder case. The State has charged Mr. Hall
21 with first degree murder. But you'll be instructed at
22 the end of the case that you can consider other degrees
23 of murder, mainly second degree murder. The first
24 degree murder must be premeditated and deliberate. It
25 must be carried out with a cool purpose. Second degree

1 murder is a different type of murder. Will you be
2 willing to consider a lesser included offense, namely
3 second degree murder, if the proof establishes that?

4 A Well I think I could.

5 Q Has you or anyone close to you been a victim
6 or been charged or been labeled a domestic abuse
7 offender or committed any type of domestic abuse?

8 A No.

9 Q A daughter that was maybe a victim of it,
10 anything like that.

11 A No.

12 Q This has been explained to you, but there are
13 three different forms of punishment if the State proves
14 beyond a reasonable doubt that Mr. Hall committed first
15 degree murder, three different forms of punishment.
16 One is the death penalty. But there are two others.
17 The second would be life without parole. The third
18 would be life with parole. Are you willing to consider
19 all three of those if he is convicted of first degree
20 murder?

21 A Well, no, I don't think I could do that.

22 Q Why is that, sir?

23 A Well I just believe in a cold-blooded murder,
24 I believe in the death penalty.

25 Q You think that's the only form of punishment.

1 A Yeah, I think it is.

2 THE COURT: Well let me say this to you.
3 Cold-blooded murder, I don't know what your definition
4 is, but you're to hear this trial, and then if you find
5 him guilty, then you can consider based on all the
6 facts whether you should give him the death penalty or
7 life without parole or life with parole. Would you
8 consider all three, or would just the fact that you
9 find him guilty of killing, you'd vote for the death
10 penalty? Do you know? Will you follow -- Would you
11 consider all three of them? That's what the law says
12 do.

13 JUROR: Well, I guess I could.

14 THE COURT: Well don't guess you could. Now
15 this is a very serious matter.

16 JUROR: Well, see, I've never had nothing to
17 do with law in no way --

18 THE COURT: I understand it.

19 JUROR: -- and I don't really understand it.

20 THE COURT: Well let me read to you again
21 here. Should the accused be found guilty of capital
22 murder described in the indictment, a second phase is
23 what type of penalty the jury will recommend the Court
24 will be held. Although the verdict of the penalty,
25 jury is advisory in nature. The jury recommendation is

1 -- is the one that's considered. Because your verdict
2 could lead to the death penalty, your attitude toward
3 the death penalty is a proper subject to inquire by the
4 Court and the attorneys. The fact that you may have
5 reservations about or conscientious or religious
6 objections to capital punishment does not automatically
7 disqualify you. As a juror in a capital case, the
8 primary importance is whether you can subordinate your
9 personal philosophy, your duty to abide by your oath as
10 a juror and follow the law as I give it to you. If you
11 are willing to render a verdict that speaks the truth
12 as you find it to exist, even though such verdict may
13 lead to the imposition of the death penalty, you
14 qualify.

15 Now what I'll need to know is -- You said
16 first you're personally for the death penalty.

17 JUROR: Right.

18 THE COURT: But you're also a juror here.
19 You understand me?

20 JUROR: Yes, sir.

21 THE COURT: And that that would be your duty
22 to consider all three. Now would you consider all
23 three or would you just vote for the death penalty?

24 JUROR: Yes, sir, I'd consider all three.

25 MR. WOODALL: No questions.

1 MR. MAYO: Your Honor, if I could ...

2 THE COURT: Yes, sir, go ahead.

3 **FURTHER EXAMINATION**

4 **BY MR. MAYO:**

5 Q Mr. Mayfield, the Judge just explained to you
6 that there are three different forms and asked you if
7 you would consider them and you stated you would
8 consider them. If you consider those, does that mean
9 that you are willing to render a sentencing phase
10 verdict regarding the punishment of Mr. Hall -- would
11 you be willing to punish him with life with parole,
12 even if he committed first degree premeditated murder,
13 or cold-blooded murder as you described it?

14 A Yes, sir.

15 Q You would be willing to do that.

16 A I'd be willing to do that.

17 MR. MAYO: No more questions.

18 **(JUROR EXCUSED.)**

19 - - - - -

20 THE COURT: Ma'am, as I told you, now this
21 will be two phases, and if you find the person guilty
22 beyond a reasonable doubt, then you'll consider the
23 punishment, and the punishment would be that -- death
24 or life without parole or life with parole, three
25 separate things. First off, are you for the death

1 penalty or opposed to it?

2 JUROR: I don't really have an opinion. I
3 mean, it wouldn't bother me.

4 THE COURT: In other words, you would do your
5 -- you could follow the law.

6 JUROR: Yes, sir.

7 THE COURT: And as I've stated, even though
8 he's found guilty, then you have what you call
9 aggravating circumstances and mitigating circumstances,
10 and then you consider those, and then if you found him
11 guilty, then you and the rest of the jury would
12 recommend -- would give the sentence of death or life
13 without parole or life with parole. Would you have any
14 problem doing that?

15 JUROR: No, sir.

16 THE COURT: General.

17 **EXAMINATION BY MR. WOODALL:**

18 Q Ms. Patterson, upon a finding of guilt of
19 murder in the first degree, the State of Tennessee is
20 going to ask you to impose the death penalty. So the
21 question then becomes, number one, would you fairly
22 consider the death penalty along with other forms of
23 punishment the Court has mentioned to you, and you say
24 you would.

25 Now secondly, and I believe the Court will

1 instruct you at the appropriate time, the law in the
2 State of Tennessee is this, that if the aggravating
3 circumstances outweigh the mitigating circumstances
4 beyond a reasonable doubt, then it's your duty and your
5 obligation to impose the death penalty. And if those
6 aggravating circumstances are found by you to outweigh
7 the mitigating circumstances, will you impose the death
8 penalty as required?

9 A Yes, sir.

10 MR. WOODALL: Thank you.

11 THE COURT: Now let me say also, what General
12 Woodall said is true, but under our law you have to
13 prove the aggravating conditions beyond a reasonable
14 doubt, and you only have to consider the mitigating by
15 the greater weight. You understand? Would you do
16 that?

17 JUROR: Yes, sir.

18 **EXAMINATION BY MR. FORD:**

19 Q Ms. Patterson, have you or any family member
20 been the victim of domestic abuse, that type of
21 situation?

22 A No, sir.

23 Q We saved that question for in here because
24 that's a rather sensitive question, and we don't want
25 that answered in front of a big group of people. We

1 anticipate the proof will show that there have been
2 some domestic problems here between Mr. Hall and his
3 wife. You stated you would consider other forms of
4 punishment. Of course, if the State does prove that
5 there is a premeditated, planned, after judgment,
6 reflection-type of premeditation and the State proves
7 that this is a premeditated first degree murder type
8 case, you stated you would be able to consider all
9 three forms of punishment in the penalty phase. That
10 is the death penalty, that is life without the
11 possibility of parole or life with parole.

12 A Yes.

13 MR. FORD: I believe that's all.

14 (JUROR EXCUSED.)

15 - - - - -

16 THE COURT: Ms. Oller, the lawyers want to
17 ask you how you feel about the death penalty, and it's
18 kind of personal in front of all the people.

19 So, General Woodall, you can ask for the
20 State.

21 **EXAMINATION BY MR. WOODALL:**

22 Q Ms. Oller, upon a finding of guilt of murder
23 in the first degree, the State of Tennessee intends to
24 ask you to impose the death penalty. Now, can you
25 fairly consider the death penalty along with other

1 forms of punishment?

2 A Yes, sir.

3 Q All right. Now, I believe at the appropriate
4 time the Court will instruct that the law in the State
5 of Tennessee is this. If the State proves to your mind
6 beyond a reasonable doubt that the aggravating
7 circumstances outweigh the mitigating circumstances,
8 then it's your duty and obligation to impose the death
9 penalty. And if the State proves to your mind beyond a
10 reasonable doubt that the aggravating circumstances
11 outweigh the mitigating circumstances, will you follow
12 the law in the State of Tennessee?

13 A Yes, sir.

14 MR. WOODALL: Thank you.

15 **EXAMINATION BY MR. FORD:**

16 Q Ms. Oller, you understand there are two
17 phases to this trial. There is a guilt or innocence
18 phase in which the State has to prove beyond a
19 reasonable doubt that the Defendant is guilty of
20 premeditated first degree murder, planned after cool
21 reflection and judgment. Now you may not get to the
22 penalty phase. You may not have to consider the death
23 penalty if the State doesn't prove that. You
24 understand that?

25 A Yes, sir.

1 Q If they don't prove premeditated first degree
2 murder, then you would consider second degree murder.

3 Can you fairly consider second degree murder as a
4 lesser included offense?

5 A If so proved, yes, sir.

6 Q All right. Have you or any family member
7 been the victim of domestic abuse?

8 A No.

9 Q We saved that question for in here because --
10 for obvious reasons.

11 A Oh, yes.

12 Q It's a very sensitive question. We expect
13 that there will be some proof that there was some
14 domestic problems between Mr. Hall and his wife, and
15 that's why I asked that question.

16 A Okay.

17 Q During the penalty phase, the State has to
18 prove certain aggravating circumstances or factors that
19 exist. They have to prove that those aggravating
20 circumstances exist beyond a reasonable doubt. Will
21 you hold them to that same standard as you would in the
22 guilt or innocence phase?

23 A Yes, sir.

24 Q There are three forms of punishment that can
25 be imposed, if you get to that point. There is the

1 death penalty, there is life without the possibility of
2 parole, and then there's life with the possibility of
3 parole. Would you consider all three forms of
4 punishment should we get to that point in the trial?

5 A Yes.

6 MR. FORD: Thank you.

7 (JUROR EXCUSED.)

8 - - - - -

9 THE COURT: Ma'am, we want to ask you some
10 questions about your feelings about the death penalty.
11 Mr. Woodall is going to ask you some questions and then
12 Mr. Ford.

13 EXAMINATION BY MR. WOODALL:

14 Q And that's Ms. Haney; is that correct?

15 A Uh-huh.

16 Q Ms. Haney, upon a finding of guilt of murder
17 in the first degree, the State of Tennessee is going to
18 ask you to impose the death penalty in this case. Can
19 you fairly consider the death penalty along with other
20 forms of punishment?

21 A I can.

22 Q The law in the State of Tennessee is if the
23 aggravating circumstances outweigh the mitigating
24 circumstances, if the State proves to your mind beyond
25 a reasonable doubt the aggravating circumstances

1 outweigh the mitigating circumstances, you shall impose
2 the death penalty. If you so find, will you follow the
3 law and instructions given to you by the Court?

4 A To the best of my ability.

5 MR. WOODALL: Thank you.

6 - - - - -

7 **EXAMINATION BY MR. MAYO:**

8 Q Ms. Haney, there are two phases to the trial,
9 this trial. The first phase is the guilt or innocence
10 where it is established whether Mr. Hall is actually
11 guilty of what he has been charged with.

12 A Uh-huh.

13 Q And he has been charged with first degree
14 murder, which is premeditated murder. It is an act
15 that was committed by someone who was cool and
16 reflective and using judgment. There is a lesser
17 included offense of second degree murder. Will you
18 hold the State to their burden of proof beyond a
19 reasonable doubt on each and every element of first
20 degree murder, premeditation and deliberation?

21 A I'll listen to all the facts and make the
22 best decision that I can.

23 Q And will you consider second degree murder if
24 the proof is raised and establishes that?

25 A Uh-huh.

1 Q Have you been the victim or know anyone close
2 to you that has been the victim of domestic abuse or
3 any type of violence between spouses?

4 A No.

5 Q If the State proves the case beyond a
6 reasonable doubt on the first degree murder, each and
7 every element of that, then we go into the penalty
8 phase, the sentencing phase. That phase is where you
9 decide what type of punishment Mr. Hall should receive.
10 There are three different types of punishment. The
11 first would be the death penalty; second would be life
12 without parole; third would be life with parole. And
13 there's no order. I just stuck those numbers to them.
14 But there's no order to that. Will you be willing to
15 consider all three forms of punishment?

16 A Yes.

17 MR. MAYO: That's all.

18 **(JUROR EXCUSED.)**

19 - - - - -

20 THE COURT: Tell us your name.

21 JUROR: Martha Rucker.

22 THE COURT: Martha, they are going to ask you
23 how you feel about the death penalty. That's part of
24 the deal. He'll ask you some and then the other lawyer
25 representing the Defendant will have some.

1 Mr. Woodall, go ahead.

2 **EXAMINATION BY MR. WOODALL:**

3 Q Ms. Rucker, upon a finding of guilt of murder
4 in the first degree, the State of Tennessee is going to
5 ask you to impose the death penalty in this case.

6 A Yeah.

7 Q Can you fairly consider the death penalty
8 along with other forms of punishment?

9 A Yes.

10 Q Now if the law -- I think the Court will
11 instruct you at the proper time that the law in the
12 State of Tennessee is this, that if the State proves to
13 your mind beyond a reasonable doubt that the
14 aggravating circumstances outweigh the mitigating
15 circumstances, you shall impose the death penalty.
16 Will you follow the law and instructions and follow the
17 law of the State of Tennessee?

18 A I will.

19 Q You'll do that?

20 A I will.

21 MR. WOODALL: Thank you.

22 - - - - -

23 **EXAMINATION BY MR. FORD:**

24 Q Ms. Rucker, I understood that you worked at
25 the hospital.

1 A Yes, sir.

2 Q Did you know Mrs. Hall, the victim in this
3 case? She had worked at the ambulance authority I
4 believe.

5 A No. We work in housekeeping. I don't know
6 too many people out there. I hadn't even heard about
7 this case. I don't never read too much.

8 Q I understand. There are two parts to this
9 type trial. The first part is you have to determine
10 whether someone is guilty or innocent, and then you
11 move on to the penalty phase.

12 A I know.

13 Q You understand that?

14 A Uh-huh.

15 Q The State must prove beyond a reasonable
16 doubt premeditated first degree murder.

17 A Uh-huh.

18 A That there was a killing, that someone acted
19 out of cool reflection, judgment and planned that
20 particular incident. Now if the State doesn't prove
21 that beyond a reasonable doubt, you don't get to the
22 penalty phase.

23 A No.

24 Q You consider second degree murder.

25 A Uh-huh.

1 Q Would you consider that as a lesser included
2 offense if the proof shows that?

3 A I would.

4 Q Have you or any family member or relative
5 been the victim of domestic abuse?

6 A No, sir.

7 Q We saved that question to ask that in here
8 because it's a very sensitive question. And we
9 anticipate that the proof will show that there were
10 some domestic problems between Mr. and Mrs. Hall before
11 this happened.

12 A Yeah.

13 Q Okay. Should we get to the penalty phase,
14 will you require the State to prove aggravating
15 circumstances beyond a reasonable doubt and use the
16 same standard that you would apply in determining
17 someone's guilt or innocence?

18 A Yes.

19 Q And will you consider -- There are three
20 forms of punishment. There is the death penalty, of
21 course. There is life without parole; that's another
22 option that the jury could impose as punishment. And
23 then the other punishment would be life with the
24 possibility of parole. Can you consider all three
25 forms of punishment if we get that far?

1 A I guess so.

2 Q Okay?

3 A As far as I know, because this is the first
4 time I ever been -- I ain't never been on --

5 THE COURT: You'll follow the law, won't you?

6 JUROR: Yes, I'll follow the law.

7 MR. FORD: Thank you, ma'am.

8 (JUROR EXCUSED.)

9 - - - - -

10 THE COURT: Tell her what your name is.

11 JUROR: James Walker.

12 THE COURT: All right, Mr. Walker.

13 **EXAMINATION BY MR. WOODALL:**

14 Q Mr. Walker, upon a finding of guilt of murder
15 in the first degree, the State of Tennessee is going to
16 ask you to impose the death penalty in this case. Can
17 you fairly consider the death penalty along with other
18 forms of punishment?

19 A I can.

20 Q All right. And the law in the State of
21 Tennessee, I believe the Court will also instruct you
22 at the appropriate time, is that if the aggravating
23 circumstances proven by the State of Tennessee beyond a
24 reasonable doubt, if they outweigh the mitigating
25 circumstances that the Defendant raises on his behalf,

1 then you shall impose the death penalty. Will you
2 follow the law in the State of Tennessee?

3 A I'll follow the law.

4 - - - - -

5 **EXAMINATION BY MR. MAYO:**

6 Q Mr. Walker, you're a tennis player.

7 A Right.

8 Q I used to play a lot. I remember seeing you
9 a lot. It's been a while since I played.

10 A Yes.

11 Q There are two different parts or phases of
12 this trial. The first phase is the guilt and innocence
13 phase. That's where it's up to the jury to decide
14 whether Mr. Hall is guilty beyond a reasonable doubt of
15 each and every element of first degree murder. If the
16 proof is raised by the defense that Mr. Hall is only
17 guilty of second degree murder, will you consider that?
18 Will you consider a second degree murder charge?

19 A Yes.

20 Q First degree murder has to be premeditated
21 and has to be deliberate, which is defined as with cool
22 purpose after exercising reflection and judgment. If
23 the State does not prove that, then we don't get to the
24 penalty phase. We don't get to the phase where the
25 State is asking for the death penalty, and you have to

1 make a decision between death and life with parole or
2 life without parole. If the State does prove though
3 beyond a reasonable doubt that it is first degree
4 murder, premeditated and deliberate, will you consider
5 all three different forms of punishment for the penalty
6 phase? One being the death penalty but the other two
7 being life with parole and life without parole, two
8 more options there.

9 A Uh-huh.

10 Q And the prosecutor, Mr. Woodall, will be
11 arguing at that phase aggravating circumstances.
12 Beyond a reasonable doubt is the standard he'll be held
13 to trying to prove those aggravating circumstances, and
14 we will be, if we get to that stage, providing you with
15 information on mitigating circumstances. And if the
16 mitigating circumstances outweigh the aggravating
17 circumstances, then will you consider and vote for life
18 with parole or life without parole?

19 A Yes.

20 MR. MAYO: Thank you.

21 **(JUROR EXCUSED.)**

22 - - - - -

23 THE COURT: Let's go ahead and call the other
24 10 in when we finish with the 12.

25 MR. WOODALL: Judge, I would prefer that we

1 finish the 12 and then call one of the others because
2 we've got one that's been challenged for cause and then
3 have us issue our challenges. I think that would be
4 the proper way to do it.

5 THE COURT: Okay, that will be fine.
6 You in agreement with that, Mr. Ford?

7 MR. FORD: Yes, sir.

8 - - - - -

9 THE COURT: All right, what we're doing, we
10 need to ask you some questions about how you feel about
11 the death penalty. You listen to Mr. Woodall and Mr.
12 Ford and answer their questions as best you can.

13 JUROR: Yes, sir.

14 **EXAMINATION BY MR. WOODALL:**

15 Q Mr. Reeves, upon a finding of guilt of murder
16 in first degree in this case, the State of Tennessee is
17 going to ask you to impose the death penalty. Can you
18 fairly consider the death penalty along with other
19 forms of punishment and will you do so?

20 A Yes, sir.

21 Q Now the law also, the Court will instruct you
22 at the appropriate time, is that if the aggravating
23 circumstances proved beyond a reasonable doubt by the
24 State of Tennessee outweigh any mitigating
25 circumstances that the Defendant may offer, then you

1 shall impose the death penalty. Will you follow the
2 law of the State of Tennessee?

3 A Yes, sir.

4 MR. WOODALL: Thank you, sir.

5 **EXAMINATION BY MR. FORD:**

6 Q Mr. Reeves, this case, this trial, is divided
7 into two parts. The first part is the guilt or
8 innocence phase where you determine -- where the State
9 has to prove beyond a reasonable doubt that there was a
10 premeditated plan after using reflection and judgment,
11 cool purpose, first degree murder. The State has to
12 prove that beyond a reasonable doubt before we even get
13 to discuss any penalties. Now if the proof shows that
14 there's not a premeditated first degree murder, will
15 you consider the lesser included offense of second
16 degree murder?

17 A Yes, sir.

18 Q We anticipate that the proof will show that
19 Mr. and Mrs. Hall had had some domestic problems. Have
20 you or any family member had any domestic-type
21 problems?

22 A No, sir.

23 Q Now if you get to the penalty phase, if the
24 State proves beyond a reasonable doubt a premeditated
25 first degree murder, at that point you'll be called

1 upon to consider three different forms of punishment.
2 Those three forms of punishment are the death penalty,
3 life without the possibility of parole and life with
4 the possibility of parole. Can you fairly consider all
5 three forms of punishment in reaching an appropriate
6 form of punishment?

7 A Yes, sir.

8 Q All right. We anticipate that there will be
9 proof, evidence, of certain mitigating factors.
10 Mitigating factors are things that lessen the
11 culpability of someone, if we get to that phase. Will
12 you balance those mitigating factors against the
13 aggravating factors which the State is required to
14 prove beyond a reasonable doubt? Will you balance
15 those, and if the mitigating factors outweigh those
16 aggravating factors, would you consider not imposing
17 the death penalty and imposing either life with parole
18 or life without the possibility of parole?

19 A Yes, sir.

20 Q Do you have any questions? Do you
21 understand?

22 A I understand.

23 (JUROR EXCUSED.)

24 - - - - -

25 THE COURT: Go ahead, General.

1 **EXAMINATION BY MR. WOODALL:**

2 Q Mr. Gibbons, on a finding of guilt of murder
3 in the first degree in this case, the State of
4 Tennessee is going to ask you to impose the death
5 penalty. Can you fairly consider the death penalty
6 along with other forms of punishment and will you do so
7 in this case?

8 A Yes.

9 Q And I believe the Court will also instruct
10 you at the appropriate time that if the State of
11 Tennessee proves to your mind beyond a reasonable doubt
12 that the aggravating circumstances in this case
13 outweigh any mitigating circumstances that the
14 Defendant may present on his behalf, then the law in
15 the State of Tennessee is the jury shall impose the
16 death penalty. Can you follow the law of the State of
17 Tennessee?

18 A I believe I can.

19 MR. WOODALL: Thank you.

20 - - - - -

21 **EXAMINATION BY MR. MAYO:**

22 Q Mr. Gibbons, there are two different phases
23 or segments or parts to this trial. The first part is
24 the guilt or innocence phase, and that is where the
25 jury is asked -- proof is put on by the prosecutor and

1 proof put on by the defense perhaps as to the question
2 of whether Mr. Hall is guilty of first degree murder.
3 First degree murder requires premeditation. It
4 requires deliberation, which is defined as cool,
5 deliberate purpose, cool with reflection and judgment,
6 knowing what somebody is doing. If the proof is not
7 raised, if Mr. Woodall and Mr. Earls don't prove to you
8 beyond a reasonable doubt each and every element of
9 first degree murder, will you consider the lesser
10 included offense of second degree murder?

11 A Yes.

12 Q If the jury came back on second degree
13 murder, in other words, we would never reach the
14 penalty phase. We would never decide whether Mr. Hall
15 is subject to a death sentence or not. But if the
16 State does prove each and every element beyond a
17 reasonable doubt, there are three different forms of
18 punishment that the jury can consider. One of those is
19 the death penalty but there are two others. The other
20 two are life without parole and life with parole.
21 Would you consider the other two forms of punishment?

22 A I would consider them.

23 Q Mr. Woodall made reference to the aggravating
24 factors. The State will be putting on aggravating
25 factors, asking you to vote for death based upon the

1 aggravating factors outweighing the mitigating factors.
2 The defense will be putting forward, if we get to that
3 stage, mitigating factors which somewhat explain why
4 this may have occurred. If we get to that point and
5 the mitigating factors outweigh the aggravating
6 factors, will you vote for either life with parole or
7 life without parole?

8 A Yes.

9 Q Have you or any family member been a victim
10 of domestic abuse?

11 A No.

12 MR. MAYO: Thank you.

13 **(JUROR EXCUSED.)**

14 - - - - -

15 THE COURT: Ma'am, give us your name.

16 JUROR: Caroline McKee.

17 THE COURT: Caroline, these lawyers are going
18 to ask you questions to determine your -- how you feel
19 about the death penalty and how it should be handled.
20 The purpose of this is to do it -- rather than -- you
21 know if you get one out there sometimes that keep
22 asking questions, it gets like a broken record. So we
23 want you individually in this instance.

24 All right, Mr. Woodall.

25 **EXAMINATION BY MR. WOODALL:**

1 Q Ms. McKee, upon a finding of guilt to murder
2 in the first degree, the State of Tennessee is going to
3 ask you to impose the death penalty. Can you fairly
4 consider the death penalty along with other forms of
5 punishment and will you do so?

6 A I've given it a lot of thought because I knew
7 that this was coming up, and, yes, I think so.

8 THE COURT: Ma'am, --

9 A Yes, I can.

10 Q I think that at the appropriate time the
11 Court will further instruct you that the law in the
12 State of Tennessee is, if the aggravating circumstances
13 proven by the State of Tennessee outweigh the
14 mitigating circumstances demonstrated by the Defendant,
15 that the penalty imposed shall be the death penalty.
16 Can you follow the law of the State of Tennessee?

17 A Yes, sir.

18 MR. WOODALL: Your witness.

19 - - - - -

20 **EXAMINATION BY MR. FORD:**

21 Q Ms. McKee, you said you've given it a lot of
22 thought, that you knew this was coming up. What made
23 you --

24 A Well the Judge had told us that we would have
25 a capital case.

1 THE COURT: Mr. Ford, I've been telling them
2 we're going to have a capital case. Please don't read
3 the newspaper, and she'll tell you -- don't discuss it,
4 and if I've said that once I've said it 20 times. I
5 think obviously it's helped some.

6 Q So you had some misgivings about the death
7 penalty?

8 A I would not say misgivings, just thought
9 processing. It's different to think about it and to be
10 one of 12 people actually imposing that. I think it
11 would require thought from most people probably.

12 Q All right. You understand that this case is
13 divided into two parts. You may not even get to the
14 part where you would consider the forms of punishment.
15 We have to go through the guilt or innocence phase, and
16 during that phase the State of Tennessee is required to
17 prove beyond a reasonable doubt that there was a
18 premeditated first degree murder, premeditated meaning
19 being planned, something that someone does with cool
20 purpose after reflection and judgment. Will you
21 require the State of Tennessee to prove each and every
22 element of premeditation in this case?

23 A Yes.

24 Q If the proof -- If premeditation cannot be
25 proven beyond a reasonable doubt, will you consider the

1 lesser offense of second degree murder?

2 A Yes, sir.

3 Q Have you or any family member been the victim
4 of -- been involved in any kind of domestic problems,
5 divorce, disputes, anything of that nature?

6 A No.

7 Q And I ask that question for obvious reasons.

8 A Right.

9 Q If we get to the penalty phase, if we get to
10 where we're going to -- where the jury is to consider
11 the forms of punishment, the State will show that there
12 are certain aggravating factors or circumstances that
13 they are relying on, and they are required to prove
14 aggravating circumstances beyond a reasonable doubt.
15 We will also present certain mitigating circumstances.
16 Your job at that time will be to weigh up the
17 aggravating circumstances and the mitigating
18 circumstances and decide whether or not the aggravating
19 circumstances outweigh the mitigating circumstances
20 beyond a reasonable doubt. If you come to that
21 conclusion, you will then be required to impose or
22 think of what penalty would be appropriate in this
23 particular case. There are three penalties that can be
24 imposed here, that the jury has a choice. First it
25 will be the death penalty, second is life without the

1 possibility of parole, which means you don't get out.
2 If that's the sentence you get, that's where you stay
3 for the rest of your life. The other sentence is life
4 with the possibility of parole. Can you fairly
5 consider all three forms of punishment, should you even
6 get to that point?

7 A Yes.

8 MR. FORD: Thank you.

9 (JUROR EXCUSED.)

10 - - - - -

11 THE COURT: Mr. Matthews, we're in here for
12 the lawyers to ask you questions about -- talking to
13 you about how to handle a possible death penalty case.
14 And so you pay attention, and you're the next one after
15 12, and we've only excused one so far, so that's the
16 reason you're here.

17 JUROR: Yes, Your Honor.

18 **EXAMINATION BY MR. WOODALL:**

19 Q Mr. Matthews, upon a finding of guilt of
20 murder in the first degree, the State of Tennessee is
21 going to ask you to impose the death penalty. Can you
22 fairly consider the death penalty along with other
23 forms of punishment and will you do so?

24 A Yes, sir.

25 Q I believe at the appropriate time the Court

1 will also instruct you that the law in the State of
2 Tennessee is that if the aggravating circumstances
3 proven by the State beyond a reasonable doubt outweigh
4 the mitigating circumstances, then it's your duty --
5 the law in the State of Tennessee is to impose the
6 death penalty. Can you do that?

7 A Yes.

8 Q All right.

9 MR. WOODALL: Your witness.

10 - - - - -

11 **EXAMINATION BY MR. MAYO:**

12 Q Mr. Matthews, there are two phases to this
13 trial. The first phase is the guilt or innocence
14 phase. That's the phase where Mr. Hall is decided by
15 the jury to be guilty or innocent of the charges that
16 the State has charged him with. He is charged with
17 first degree murder, which by its elements is
18 premeditation, includes premeditation, plan, and
19 deliberation, the carrying out of that plan with a cool
20 purpose, with reflection and judgment. If the State
21 does not prove each and every element of first degree
22 murder beyond a reasonable doubt, will you be willing
23 to consider lesser included offenses, namely second
24 degree murder?

25 A Yes.

1 Q This is a sensitive question. That's why we
2 ask it back in this room. But has any member of your
3 family been a victim of domestic abuse or assault or
4 charges like that brought against anyone?

5 A No.

6 Q If the State proves beyond a reasonable doubt
7 that this is first degree murder, each and every
8 element of first degree murder, then we reach the
9 penalty phase, the sentencing phase, and that's where
10 the jury decides what the punishment should be. There
11 are three different types of punishment that can be
12 imposed by the jury; one being the death penalty, but
13 the two others being life without parole, which means
14 you go to jail and spend the rest of your life in jail,
15 you never get out, and the other being life with
16 parole. Are you willing to consider all three of those
17 forms of punishment and not reach a quick decision to
18 impose the death penalty?

19 A Yes.

20 Q The State will be required to prove
21 aggravating circumstances, and the defense will be
22 putting on mitigating circumstances at that phase, if
23 we reach that phase. Will you be willing to listen to
24 each and every one of those and determine which
25 outweighs the other on a balancing scale?

1 A I will.

2 MR. MAYO: Thank you, sir.

3 (JUROR EXCUSED.)

4 - - - - -

5 THE COURT: Okay, gentlemen, what do you
6 suggest?

7 MR. WOODALL: My suggestion is that the Court
8 and the State go outside and let them confer with their
9 client, and then we submit our challenges to the Court.

10 THE COURT: Do you want to do it in here or
11 out there?

12 MR. WOODALL: I would suggest you do it out
13 there.

14 THE COURT: All right. Under normal
15 circumstances, you know, under this new ruling, you
16 take two, one being -- make two copies of your decision
17 on -- and then I change them. But that involves the
18 matter of race, so I'm not going to -- make only one
19 copy.

20 What it is, General, in a normal case out
21 here, you got a black man on trial, I make the State
22 and the defense fill out their challenges and then make
23 two copies of them and then I exchange them, and then
24 if there's anybody wants to say anything, particularly
25 if one of them is black that's being challenged. But

1 we don't have that, so I'm not going to worry about
2 that.

3 Do you have any problem with that?

4 MR. FORD: No, sir.

5 THE COURT: Do you understand what I'm
6 talking about?

7 MR. WOODALL: Well, --

8 THE COURT: There's a new ruling --

9 MR. WOODALL: That's -- I understand.

10 THE COURT: All right. We don't have that
11 problem with this.

12 MR. FORD: No, sir, Your Honor. I'd ask that
13 the Court not take the bench until we come out, if
14 that's all right.

15 THE COURT: Okay.

16 MR. FORD: It won't take but a few minutes.

17 - - - - -

18 **(All parties returned into open**
19 **court, and the following proceedings**
20 **were had to-wit:)**

21 THE COURT: Will you pass your challenges in,
22 please?

23 All right, will Ms. Mabel Crowe step down,
24 please? Mr. Cecil Mayfield and Mr. Jim Matthews.

25 All right, sir, you come around, please, sir.

1 What is your name?

2 JUROR: Jack Collins.

3 THE COURT: All right, you, ma'am, and you,
4 ma'am.

5 All right, Jack Collins.

6 What's your name, please, ma'am?

7 JUROR: Barbara Jarvis.

8 JUROR: Linda Tubbs.

9 THE COURT: All right. I believe you were
10 here, and I don't know whether General Woodall or Mr.
11 Ford or the other defense attorney has anymore
12 particular questions. But again, you've heard
13 everything that's taken place; is that correct?

14 Does anyone of you know of any reason based
15 on what General Woodall said and what Mr. Ford said --
16 know any reason why you could not be fair and
17 impartial? Now it's excluding the matter of the death
18 penalty which we're doing separately.

19 Do you feel like you could handle it without
20 any particular problem?

21 JUROR: Yes, sir.

22 THE COURT: You, ma'am?

23 JUROR: Yes, sir.

24 THE COURT: You?

25 JUROR: Yes, sir.

1 THE COURT: I'll say again, nothing that
2 anybody has said that keeps you from being fair and
3 impartial. All three of you been on the jury before?

4 (All nodded in the affirmative.)

5 THE COURT: All right, General Woodall.

6 MR. WOODALL: No questions.

7 THE COURT: Do you have any questions?

8 MR. FORD: No, sir.

9 (The following proceedings were
10 had in the jury room:)

11 THE COURT: What we're doing now is finding
12 out the individual's attitude toward the death penalty,
13 how they'd vote to handle it. As I said out here, the
14 only purpose of this criminal trial is to determine
15 whether the prosecution has established the guilt of
16 the accused. That's our purpose.

17 General, you go ahead.

18 EXAMINATION BY MR. WOODALL:

19 Q Mr. Collins, on a finding of guilt of murder
20 in the first degree, the State of Tennessee is going to
21 ask you to impose the death penalty in this case. Can
22 you fairly consider the death penalty along with other
23 forms of punishment and will you do so?

24 A Yes, I will.

25 Q Now at the appropriate time the Court I feel

1 will instruct you that the law in the State of
2 Tennessee is this, that if the State of Tennessee
3 proves to your mind beyond a reasonable doubt that the
4 aggravating circumstances outweigh the mitigating
5 circumstances, what the Defendant might bring up on his
6 behalf, then the law in the State of Tennessee is the
7 jury shall impose the death penalty. Will you do that
8 if that's what the proof shows?

9 A Yes, sir.

10 MR. WOODALL: Thank you.

11 **EXAMINATION BY MR. FORD:**

12 Q Mr. Collins, this trial is divided into two
13 parts. The first part is what we refer to as the guilt
14 or innocence phase. If the State doesn't prove the
15 case of premeditated first degree murder, meaning they
16 haven't proven all the elements that this was a planned
17 event after cool reflection and the use of judgment in
18 formulating the plan, if the State doesn't prove that
19 beyond a reasonable doubt, then we don't even get to
20 the penalty phase. All right?

21 A Yes, sir.

22 Q If the State does not prove premeditated
23 first degree murder, will you consider the lesser
24 included offense of second degree murder?

25 A Yes, sir, I will.

1 Q This is a sensitive question, and the reason
2 we ask it back here is because it is sensitive. Have
3 you or any of your family members experienced any kind
4 of domestic relations type problems?

5 A No.

6 Q All right. We don't ask that question out
7 there for obvious purposes. If we do get to the
8 penalty phase, if the State does prove premeditated
9 first degree murder beyond a reasonable doubt, then you
10 as jurors will be asked in the penalty phase to
11 consider the form of punishment that is appropriate.
12 The State will try to prove beyond a reasonable doubt
13 the existence of certain aggravating circumstances. We
14 will show that certain mitigating circumstances exist;
15 in other words, is there a lessening, is there a good
16 reason not to impose the death penalty. And your job
17 as a juror will be to weigh those up, aggravators
18 versus mitigating circumstances, and your job will be
19 to decide whether or not the aggravating circumstances
20 outweigh the mitigating circumstances and then impose
21 the penalty. There are three forms of penalty that you
22 can consider. First there is the death penalty, there
23 is life without the possibility of parole which means
24 you don't get out, and there's life with the
25 possibility of parole. Would you consider all three

1 forms of punishment?

2 A Yes, I would.

3 MR. FORD: Thank you, sir.

4 (JUROR EXCUSED.)

5 - - - - -

6 THE COURT: Give us your name.

7 JUROR: Barbara Jarvis.

8 THE COURT: Barbara, we're going to -- you'll
9 be asked some questions about how the death penalty
10 might affect your consideration. You pay attention and
11 just answer the questions.

12 **EXAMINATION BY MR. WOODALL:**

13 Q Ms. Jarvis, upon a finding of guilt of murder
14 in the first degree, the State of Tennessee is going to
15 ask you to impose the death penalty in this case. Can
16 you fairly consider the death penalty along with other
17 forms of punishment?

18 A Yes, sir.

19 Q All right. Now, at the appropriate time the
20 Court will also instruct you that the law in the State
21 of Tennessee is that if the State, beyond a reasonable
22 doubt, proves that the aggravating circumstances
23 outweigh the mitigating circumstances that might be
24 brought up by the Defendant, then you shall impose the
25 death penalty. Can you follow the law in the State of

1 Tennessee?

2 A Yes, sir.

3 Q And will you do that?

4 A Yes, sir.

5 MR. WOODALL: Thank you.

6 **EXAMINATION BY MR. MAYO:**

7 Q Ms. Jarvis, there are two phases to this
8 trial. There is the guilt and innocence phase which is
9 the deliberation and subsequent verdict of the jury as
10 to the guilt or innocence of Mr. Hall. The State has
11 charged Mr. Hall with first degree murder. First
12 degree murder requires premeditation and it requires
13 deliberation. These are elements of first degree
14 murder. Deliberation is the exercise of cool judgment,
15 reflection. If the State does not prove those
16 elements, each and every one of those elements, beyond
17 a reasonable doubt, then are you willing to consider
18 lesser included offenses of first degree murder, namely
19 second degree murder?

20 A Yes, sir.

21 Q This is a sensitive question, but we need to
22 ask it of you because the proof may come out that there
23 was some domestic problems between Mr. Hall and Mrs.
24 Hall. Have you or any member of your family been
25 involved in a domestic situation, a violent situation

1 or an abusive-type situation?

2 A No, sir.

3 Q If the State proves beyond a reasonable doubt
4 each and every element of first degree murder and the
5 jury comes back with a finding of guilt on first degree
6 murder, we go into the penalty phase, the sentencing
7 phase. The sentencing phase is where the State puts on
8 aggravating circumstances and the defense puts on
9 mitigating circumstances. The State will try to prove
10 that the aggravating circumstances outweigh the
11 mitigating circumstances, and the defense will try to
12 prove at that stage, if we get there, that the
13 mitigating circumstances outweigh the aggravating
14 circumstances. Are you willing to listen openly,
15 honestly, fairly to all of those circumstances?

16 A Yes, sir.

17 Q Not just the aggravating circumstances but
18 the mitigating circumstances also?

19 A Yes, sir, I will.

20 Q There will be three different types of
21 punishment that the jury can impose if the State -- if
22 the jury finds the Defendant guilty of first degree
23 murder. One is the death penalty, but the two others
24 are life without parole and life with parole. Will you
25 also consider those other two forms of punishment

1 included with the death penalty in your deliberation?

2 A Yes, sir.

3 MR. MAYO: That's all.

4 (JUROR EXCUSED.)

5 - - - - -

6 THE COURT: State your name.

7 JUROR: Linda Tubbs.

8 THE COURT: All right. These lawyers are
9 going to talk to you about the death penalty and how
10 it's handled, going to ask you some questions.

11 All right, General.

12 EXAMINATION BY MR. WOODALL:

13 Q Ms. Tubbs, upon a finding of guilt of murder
14 in the first degree, the State of Tennessee is going to
15 ask you to impose the death penalty in this case. Can
16 you fairly consider the death penalty along with other
17 forms of punishment?

18 A Yes, sir. I don't like it, but I think --
19 I've did a lot of thinking on it, and I think --

20 THE COURT: You will consider it?

21 JUROR: Yes, sir, I think I could. I know I
22 could.

23 Q Well, it's kind of like getting married, you
24 know. You speak now or forever hold your peace. I
25 think -- Let me ask you one more question. The law in

1 the State of Tennessee is this. I believe the Court
2 will instruct you at the appropriate time that if the
3 State of Tennessee proves to your mind beyond a
4 reasonable doubt that the aggravating circumstances
5 outweigh the mitigating circumstances, then the
6 punishment shall be death. Can you follow the law in
7 the State of Tennessee?

8 A Yes, sir.

9 Q And will you do so?

10 A Yes, sir.

11 MR. WOODALL: Thank you.

12 **EXAMINATION BY MR. FORD:**

13 Q Ms. Tubbs, you understand that we may not
14 ever get to that point. This case is tried in two
15 different parts. There is the guilt or innocence phase
16 wherein the State of Tennessee must prove beyond a
17 reasonable doubt a premeditated, a plan with cool
18 purpose, reflection and judgment, a planned event took
19 place. They have to prove premeditation beyond a
20 reasonable doubt before we even get there. Now should
21 the State not be able to prove that, and in your mind
22 they don't prove it, would you consider the lesser
23 included offense which was second degree murder?

24 A Yes, sir.

25 Q All right. This is a sensitive question, and

1 the reason we ask you back here is very obvious. Have
2 you or any of your family members experienced domestic
3 problems such as divorce or arguments or anything of
4 that nature?

5 A No, sir.

6 Q If we get to the penalty phase, the jury will
7 look at certain aggravating circumstances which the
8 State will attempt to prove beyond a reasonable doubt.
9 The defense will present certain mitigating
10 circumstances. At that point it would be your job to
11 balance the aggravating circumstances against the
12 mitigating circumstances and then impose an appropriate
13 form of punishment based on what's presented to you.
14 Will you consider all three forms of punishment?
15 There's the death penalty, there's life without parole,
16 which means if that's the sentence imposed, you don't
17 get out, you stay in prison the rest of your natural
18 life. The other being life with the possibility of
19 parole. Would you consider all three forms of
20 punishment if we get there?

21 A Yes.

22 MR. FORD: Thank you.

23 **(JUROR EXCUSED.)**

24 - - - - -

25 THE COURT: I believe that was the three,

1 wasn't it?

2 MR. WOODALL: Yes, sir.

3 MR. MAYO: Your Honor, Mr. Hall is wearing
4 leg restraints on both legs, and they are clicking real
5 loud and you can see them when he walks by, and he's
6 having to --

7 THE COURT: Take the leg restraints off.

8 MR. MAYO: Thank you, Your Honor.

9 - - - - -

10 **(All parties returned into open**
11 **court, and the following proceedings**
12 **were had to-wit:)**

13 THE COURT: Pass your forms.

14 Mr. Billy Reeves, step down, please, and Ms.
15 Jarvis.

16 You two ladies come around. Just have a seat
17 right there because I'm fixing to take you in the jury
18 room.

19 General Woodall, do you have anything?

20 MR. EARLS: No, sir, Your Honor, the State
21 has no questions of these ladies.

22 THE COURT: Have any questions?

23 MR. FORD: I just want to make sure I get
24 their names.

25 Ms. Wright?

1 JUROR: Yes.

2 MR. FORD: And Ms. Hammonds?

3 JUROR: Yes.

4 - - - - -

5 (The following proceedings were
6 had in the jury room:)

7 THE COURT: Ma'am, give us your name.

8 JUROR: Sherry Wright.

9 THE COURT: Sherry, they're going to ask you
10 about -- or explain to you something about the death
11 penalty and how it's handled and ask you some
12 questions. Just answer them, okay?

13 JUROR: Okay.

14 THE COURT: All right.

15 **EXAMINATION BY MR. EARLS:**

16 Q Ms. Wright, if the jury returns a verdict for
17 first degree murder, the State of Tennessee is going to
18 ask you to impose the death penalty. Can you fairly
19 consider the death penalty along with other forms of
20 punishment that the Court may instruct you?

21 A Yes.

22 Q And if the State proves to you beyond a
23 reasonable doubt that certain aggravating factors in
24 this case outweigh any mitigating factors brought out
25 by the Defendant, and the law in the State of Tennessee

1 is, if you're instructed by the Court, that you shall
2 return the death penalty if the aggravating factors
3 outweigh the mitigating factors, can you do that?

4 A Yes.

5 MR. EARLS: Pass the juror.

6 **EXAMINATION BY MR. FORD:**

7 Q Ms. Wright, how do you feel about the death
8 penalty?

9 A I'm for it.

10 Q In all instances or ...

11 A As long as I'm absolutely sure without a
12 reasonable doubt I'm for it.

13 Q Okay. You understand that this case is
14 divided up into two different parts. You may not ever
15 get to the part where you have to consider the death
16 penalty.

17 A Okay.

18 Q First of all, we're going to go through a
19 trial where the State has to prove that there was a
20 deliberate, premeditated murder. They must prove that
21 there was a murder that was committed after reflection,
22 planning, cool purpose and judgment. All three -- All
23 of the elements of premeditation must be met beyond a
24 reasonable doubt, before you even get into any issue of
25 punishment. Will you require the State to prove that?

1 A Yes.

2 Q Will you also consider that if the State of
3 Tennessee does not prove premeditation, the lesser
4 included offense of second degree murder?

5 A Yes.

6 Q This is a sensitive question, and the reason
7 we ask it in here is obvious. Have you or any family
8 member ever experienced any domestic problems, domestic
9 relations-type problem?

10 A No.

11 Q If we get to the penalty phase, which is
12 where you determine the punishment, the State will
13 attempt to prove certain aggravating circumstances.
14 They have to prove that those aggravating circumstances
15 exist beyond a reasonable doubt, the same standard that
16 you would apply in the guilt or innocence phase. At
17 the same time you'll be asked to consider certain
18 mitigating circumstances on behalf of the Defendant.
19 What you do then is you're asked to balance the
20 aggravating circumstances against the mitigating
21 circumstances, and before you can consider the death
22 penalty, you must determine that the aggravating
23 circumstances outweigh the mitigating circumstances
24 beyond a reasonable doubt. Will you do that?

25 A Yes.

1 Q There are also two other forms of punishment
2 that can be considered. One is life without the
3 possibility of parole. Should there be a finding of
4 first degree murder, you could consider life without
5 parole, which means you don't get out. Once that
6 sentence is imposed, you spend the rest of your natural
7 life in prison. All right?

8 A Uh-huh.

9 Q The other form of punishment is life with the
10 possibility of parole. Will you consider all three
11 forms of punishment should we get to the penalty phase?

12 A Uh-huh.

13 MR. FORD: Thank you.

14 (JUROR EXCUSED.)

15 - - - - -

16 THE COURT: The lawyers are going to talk to
17 you about how the death penalty is handled, question
18 what you would do.

19 JUROR: Okay.

20 THE COURT: What is your name?

21 JUROR: Donna Hammonds.

22 THE COURT: All right, General.

23 **EXAMINATION BY MR. WOODALL:**

24 Q Ms. Hammonds, on a finding of guilt of murder
25 in the first degree, the State of Tennessee is going to

1 ask you to impose the death penalty in this case. Can
2 you fairly consider the death penalty along with other
3 forms of punishment?

4 A Yes, sir.

5 Q Now at the appropriate time I feel that the
6 Court would instruct you that if the State proved to
7 your mind beyond a reasonable doubt that the
8 aggravating circumstances outweigh the mitigating
9 circumstances, in other words, what the Defendant says
10 on his own behalf, then upon a finding -- an earlier
11 finding of murder in the first degree, the penalty
12 shall be death. Can you follow the law of the State of
13 Tennessee?

14 A Yes, sir.

15 MR. WOODALL: Thank you.

16 **EXAMINATION BY MR. MAYO:**

17 Q Ms. Hammonds, how do you feel about the death
18 penalty?

19 A I feel that it's justice. I don't feel that
20 it's trying to get even or justify -- you know, get
21 even with murdering someone or whatever. But I feel
22 that it's justice. Sometimes it's the solution of that
23 justice.

24 Q In what way do you think it's justice?

25 A I just think that in some cases, under some

1 circumstances, that that's what the law tries for and
2 that's what should happen.

3 Q Ms. Hammonds, there are going to be two
4 different phases of this trial perhaps. The first
5 phase is the guilt or innocence phase. It's where the
6 jury determines whether Mr. Hall is guilty beyond a
7 reasonable doubt of the charge that the State has
8 charged him with, which is first degree murder. First
9 degree murder has several elements of which
10 premeditation is one, deliberation is one.
11 Premeditation means a plan formed in your mind to carry
12 out, and deliberation is acting out that plan with cool
13 judgment, with reflection. If the State -- The State
14 is under an obligation to prove each and every element
15 beyond a reasonable doubt. If the State does not prove
16 each and every element of first degree murder, will you
17 consider and follow the law as it relates to the charge
18 of second degree murder?

19 A Yes, sir.

20 Q This is a somewhat sensitive question, and we
21 ask it back here so that it's not potentially
22 embarrassing to any of the jurors, but have you or any
23 members of your family or any of your real close
24 friends been involved in domestic situations that may
25 have had some slight violence in them or anything like

1 that?

2 A No, sir.

3 Q If you find that you agree with the State, if
4 you do find that, on first degree murder, then there
5 are three separate forms of punishment that are
6 available to the jury to impose upon Mr. Hall, that is,
7 if you agree with it. If you do, will you consider and
8 follow the rule in considering the other two forms of
9 punishment other than death?

10 A Yes, sir.

11 Q They are life without parole and life with
12 parole. You will consider those, too?

13 A Yes, sir, I would.

14 Q The State will be putting on aggravating
15 circumstances which are an effort to convince the jury
16 that Mr. Hall deserves the death penalty. The defense
17 will be putting on mitigation circumstances which
18 explain perhaps why this occurred. They don't detract
19 from the guilt, they just explain maybe how Mr. Hall
20 ended up in this position, and that is if we ever get
21 to that stage. But will you consider those mitigating
22 circumstances also in arriving at your verdict on
23 punishment?

24 A Yes, I will.

25 MR. MAYO: Thank you.

1 (JUROR EXCUSED.)

2 - - - - -

3 (All parties returned into open
4 court, and the following proceedings
5 were had to-wit:)

6 THE COURT: Pass your forms.

7 Donna Hammonds and David Gibbons, step down.

8 You two come around and sit right here for
9 just a moment. You ladies have been in here, and, of
10 course, you heard the questions. Do you feel like you
11 could be fair and impartial?

12 JUROR: Yes.

13 JUROR: Yes.

14 THE COURT: Now you'll be -- have some
15 further questions about handling the death penalty, but
16 that will be individually. Other than that, do you
17 know any reason why you couldn't be fair?

18 JUROR: No.

19 JUROR: No.

20 THE COURT: What do you do, ma'am?

21 JUROR: I work for Piercey Employment.

22 THE COURT: And you, ma'am?

23 JUROR: Homemaker.

24 THE COURT: All right, gentlemen, do you want
25 any --

1 MR. WOODALL: I can ask them in the jury
2 room, Your Honor.

3 MR. FORD: No, Your Honor.

4 (The following proceedings were
5 had in the jury room:)

6 EXAMINATION BY MR. WOODALL:

7 Q Ms. White, upon a finding of guilt of murder
8 in the first degree, the State of Tennessee is going to
9 ask you to impose the death penalty in this case. Can
10 you fairly consider the death penalty along with other
11 forms of punishment?

12 A Yes.

13 Q Do you have any misgivings about the death
14 penalty? I understand it's serious business.

15 A Yes, I -- I don't know how I feel about it.

16 Q Now, if I tell you that the law in the State
17 of Tennessee is as follows, upon a finding of guilt of
18 murder in the first degree, if the State of Tennessee
19 proves beyond a reasonable doubt that the aggravating
20 circumstances outweigh the mitigating circumstances,
21 the penalty shall be death, can you follow that
22 instruction?

23 A Yes.

24 MR. WOODALL: Thank you.

25 EXAMINATION BY MR. FORD:

1 Q Ms. White, you understand that there's no
2 requirement, there's no absolute requirement of
3 reaching the death penalty. That's something that
4 would have to be determined after hearing all this
5 proof. There's nothing that's automatic about it, all
6 right?

7 A All right.

8 Q Now, you said you didn't know how you felt
9 about the death penalty.

10 A Uh-huh.

11 Q We need to know.

12 A Well it would depend on the case. I'm not
13 specifically for it or against it.

14 THE COURT: Are you willing to follow the
15 law, what the Court charges you to be the law?

16 JUROR: Yes.

17 Q Now, you may not ever get to that point in
18 this case. This case is divided up into two different
19 parts. First of all it's what we call the guilt or
20 innocence part where we have a trial to determine
21 whether or not the State can prove beyond a reasonable
22 doubt a premeditated first degree murder. Now in
23 premeditation, the State would have to prove that this
24 was a planned event, something that occurs after
25 reflection, the exercise of judgment, with a cool

1 purpose. So the State has to prove each and every
2 element of premeditation, which includes deliberation,
3 thinking about it, before you ever reach that. Now if
4 the State doesn't prove premeditation, would you
5 consider the lesser included offense of second degree
6 murder?

7 A Yes.

8 Q Now, this is a sensitive question, and we ask
9 it back here for obvious reasons. Have you or any of
10 your family members experienced domestic difficulty,
11 problems, arguments, anything of that nature?

12 A No.

13 Q If we get to the penalty phase, if there is a
14 finding of premeditated first degree murder, then we'll
15 have another shorter trial, but it will be a trial,
16 where the State will be required to prove the existence
17 of certain aggravating circumstances beyond a
18 reasonable doubt, the same standard as in the guilt or
19 innocence phase. At the same time you will be
20 presented proof of certain mitigating circumstances on
21 behalf of the Defendant. At that time you'll be asked
22 to balance the aggravating factors and mitigating
23 factors. And if the mitigating factors do not outweigh
24 these mitigating circumstances beyond a reasonable
25 doubt, then you won't have to reach the death penalty.

1 You can consider the other forms of punishment which
2 are life without parole, meaning you don't get out. If
3 that's the sentence that's imposed, then the person
4 that receives that sentence will serve day for day the
5 rest of his or her life. The other possibility is life
6 with the possibility of parole. So you have three
7 choices. Will you consider all three?

8 A Yes.

9 MR. FORD: Thank you.

10 (JUROR EXCUSED.)

11 - - - - -

12 THE COURT: Tell us your name.

13 JUROR: Katie Maness.

14 THE COURT: Ms. Maness, they're going to ask
15 you some questions about -- concerning the death
16 penalty. So you just pay attention and answer.

17 EXAMINATION BY MR. WOODALL:

18 Q Ms. Maness, upon a finding of guilt of murder
19 in the first degree, the State of Tennessee is going to
20 ask you to impose the death penalty. Can you fairly
21 consider the death penalty along with other forms of
22 punishment?

23 A Yes, sir, I believe I can.

24 Q Now, at the appropriate time, I believe the
25 Court will instruct you that this is the law in the

1 State of Tennessee. If after a finding of guilt of
2 murder in the first degree if the State proves to your
3 mind beyond a reasonable doubt that the aggravating
4 circumstances outweigh the mitigating circumstances,
5 the punishment shall be death, will you follow that
6 instruction of the Court?

7 A Yes.

8 MR. WOODALL: Thank you.

9 **EXAMINATION BY MR. MAYO:**

10 Q Ms. Maness, how do you feel about the death
11 penalty?

12 A I think it's right for them to have the death
13 penalty if you kill someone, if you're guilty. If
14 you're not guilty, I don't think they should have it.

15 Q Do you feel that everyone who is convicted of
16 killing someone should receive the death penalty?

17 A Not everyone, no.

18 Q Why do you think it would be appropriate in
19 certain circumstances?

20 A Well, I just --

21 THE COURT: Let me say this, ma'am. If the
22 law provides that, will you follow the law?

23 JUROR: Uh-huh.

24 THE COURT: Go ahead.

25 Q Why do you feel that it's appropriate in

1 certain circumstances?

2 A I really don't know. I just feel in some
3 cases it is.

4 Q As Judge Lafon just stated, you would follow
5 the law in regard to that if the law required it.

6 A I would.

7 Q There are two phases of this trial. One is
8 the guilt and innocence phase. That is where the
9 prosecutor puts on -- Mr. Woodall and Mr. Earls put on
10 their proof and they try -- they ask and they try to
11 prove to you beyond a reasonable doubt that Mr. Hall is
12 guilty of first degree murder. First degree murder has
13 several elements, of which the two ones we're bringing
14 to your attention are premeditation and deliberation.
15 Mr. Woodall and Mr. Earls will have to prove to you
16 beyond a reasonable doubt that Mr. Hall committed a
17 murder with a plan premeditated and carried out that
18 plan deliberately, which is defined as with cool
19 purpose and with reflection and judgment. If the State
20 does not carry their burden of proof, if they don't
21 prove to you beyond a reasonable doubt that it was
22 premeditated and that it was deliberate, carried out
23 with cool purpose and a clear head, then will you
24 consider other offenses that Mr. Hall may be guilty of,
25 namely second degree murder?

1 A Yes.

2 Q This is a sensitive question. We ask it back
3 here so no one is embarrassed in front of other members
4 of the jury, but has anybody in your family, anyone
5 really close to you, been involved in a domestic
6 situation that may have ended up in an argument that
7 was brought to the Court's attention or anyone charged
8 with it or anything like that?

9 A Years ago.

10 Q Who would that be?

11 A My son-in-law.

12 Q Your son-in-law was charged with what?

13 A Assault.

14 Q On who?

15 A Me.

16 Q On you?

17 A Uh-huh. I'm glad you didn't ask that in
18 front of everybody.

19 Q What happened with that? Was he taken to
20 court?

21 A Uh-huh.

22 Q Was he convicted of assault?

23 A Well I dropped the charges.

24 Q Do you mind telling me what he did?

25 THE COURT: I won't allow her to go into

1 details. She said the charge was assault and she
2 dropped it. You can ask her if that will affect her in
3 any way.

4 Q Ms. Maness, how long ago was that?

5 A It's been about eight, nine years.

6 Q Is he still your son-in-law? Is he still
7 married to your daughter?

8 A Yes.

9 Q Do y'all get along now?

10 A Yes.

11 Q Would that affect your judgment in this case
12 any?

13 A No.

14 Q You'd still be able to be open and honest,
15 fair and impartial?

16 A Yes, I really would.

17 Q If you do agree with the State, if they do
18 prove their case beyond a reasonable doubt, each and
19 every element, then we get to the sentencing phase, to
20 the punishment phase. There not only is the death
21 penalty, but there are two other punishments available
22 for the jury to impose, that is, if we get over the
23 first degree murder part and if he is convicted of
24 that. Because if he's convicted of anything lesser,
25 then you never reach the death penalty phase. But if

1 he is, there is life without parole, there is life with
2 parole. Would you consider the two options, life with
3 parole and life without parole just as you would
4 consider the death sentence?

5 A Yes.

6 MR. MAYO: Thank you.

7 **(JUROR EXCUSED.)**

8 - - - - -

9 **(All parties returned into open**
10 **court, and the following proceedings**
11 **were had to-wit:)**

12 THE COURT: Pass your forms.
13 Celia White, step down, please.
14 Jack Collins, step down, please.
15 **(There was a recess for lunch from**
16 **12:10 p.m. until 1:30 p.m., and**
17 **the following proceedings were had**
18 **to-wit:)**

19 THE COURT: All right, ladies and gentlemen,
20 as I call your name, come and be seated up here on the
21 front row.

22 Dennis Kenton, Theora Love, Laura Bozza,
23 Luanne Nelson, Donna Turner, Wanda Mosley, Frances
24 Heavner, Ardis Long, Billy Collins, Francis Brown.

25 Again, if I call your name correctly raise

1 your hand.

2 Dennis Kenton, Theora Love, Laura Bozza,
3 Luanne Nelson, Donna Turner, Wanda Mosley, Frances
4 Heavner, Ardis Long, Billy Collins, Francis Brown.

5 For you 10 ladies and gentlemen, I assume
6 each one of you has been here in the courtroom. If you
7 haven't raise your hand.

8 Is there any one of you that hadn't heard
9 what took place in the original voir dire examination
10 of the tentative jurors?

11 Is there anything that any one of you heard,
12 either by me as the Judge or Mr. Woodall or Mr. Ford,
13 that would in any way interfere with you being fair and
14 impartial jurors?

15 Any of you got any connection with policemen
16 in the family or anything like that that might
17 interfere with you?

18 What's your situation, sir?

19 JUROR: I know one of the witnesses.

20 THE COURT: Well that's not uncommon. Would
21 the fact that you know a policeman prevent you from
22 being fair and impartial?

23 JUROR: No.

24 THE COURT: I can -- As I told the other jury
25 before, I can sit up here all day and ask questions,

1 but is there anything -- Have any one of you had any
2 publicity that you've heard as far as this case is
3 concerned that might poison your mind or taint you or
4 interfere with you?

5 All right, General.

6 MR. WOODALL: I don't have any questions.

7 THE COURT: Do you have any questions, Mr.
8 Ford?

9 MR. FORD: Oh, yes, sir.

10 THE COURT: Go right ahead.

11 MR. FORD: Ladies and gentlemen, if you'll
12 please bear with me, this will save a lot of time, but
13 I must ask these questions since you all can
14 potentially be placed in the box, and I'll go through
15 this as quickly as possible. If you'll just please
16 bear with me and be patient.

17 Mr. Kenton, how are you today?

18 JUROR: All right.

19 MR. FORD: I need to bring this to
20 everybody's attention. I represented Mr. Kenton
21 before.

22 THE COURT: You what?

23 MR. FORD: I have represented Mr. Kenton.
24 He's a client of mine, Your Honor. I just wanted to
25 point that out to the Court.

1 THE COURT: General Woodall, under our rules,
2 that's grounds for a challenge. Do you have any
3 problem with it?

4 MR. WOODALL: I think that's a proper rule,
5 Your Honor.

6 THE COURT: All right, you're excused. Call
7 in Wednesday night.

8 MR. FORD: Ms. Love, are you employed, ma'am?

9 JUROR: Yes, sir.

10 MR. FORD: And where are you employed?

11 JUROR: Alumax.

12 MR. FORD: Are you married?

13 JUROR: Divorced.

14 MR. FORD: Have any children?

15 JUROR: Three.

16 MR. FORD: What are their ages?

17 JUROR: 22, 19 and 12.

18 MR. FORD: What do you do at Alumax?

19 JUROR: I'm a production tech.

20 MR. FORD: Do you supervise any folks?

21 JUROR: No.

22 MR. FORD: Have you ever served in the
23 military?

24 JUROR: No.

25 MR. FORD: Any of your children in the

1 military?

2 JUROR: No.

3 MR. FORD: Have you served as a juror before?

4 JUROR: Here.

5 MR. FORD: Just this term of court?

6 JUROR: Yes.

7 MR. FORD: All right. Do you have any close
8 friends or relatives that are involved in law
9 enforcement?

10 JUROR: No.

11 MR. FORD: Have you or any of your family
12 members been the victim of a crime?

13 JUROR: No.

14 MR. FORD: Ms. Bozza, how are you, ma'am?

15 JUROR: Fine.

16 MR. FORD: Are you employed?

17 JUROR: Yes.

18 MR. FORD: And where do you work?

19 JUROR: Jackson-Madison County General
20 Hospital.

21 MR. FORD: Are you married?

22 JUROR: Yes.

23 MR. FORD: Where does your husband work?

24 JUROR: Ray Glass & Door.

25 MR. FORD: How many children do you have?

1 JUROR: Two children.

2 MR. FORD: And their ages?

3 JUROR: 16 and seven.

4 MR. FORD: All right. Have you ever served
5 in the military or your husband?

6 JUROR: I haven't but my husband has.

7 MR. FORD: What branch?

8 JUROR: Army.

9 MR. FORD: How long ago was it?

10 JUROR: '77 through about '80.

11 MR. FORD: Three years. Were you married at
12 that time?

13 JUROR: No.

14 MR. FORD: Have you served as a juror before?

15 JUROR: This term.

16 MR. FORD: No other court?

17 JUROR: No.

18 MR. FORD: Do you have any close friends or
19 relatives that are involved in law enforcement?

20 JUROR: My next door neighbor is a retired
21 police officer.

22 MR. FORD: Ever discussed any cases with him
23 or anything like that?

24 JUROR: No.

25 MR. FORD: Have you or any family member been

1 a victim of a crime?

2 JUROR: I had a cousin who was killed by her
3 boyfriend, at the time.

4 MR. FORD: You had a cousin, a female cousin,
5 that was killed by her boyfriend?

6 JUROR: Right.

7 MR. FORD: How long ago was that?

8 JUROR: Oh, probably 20 years ago.

9 MR. FORD: Okay. This case we're dealing
10 with here today involved a domestic situation. The
11 fact that your cousin was killed in a domestic-type
12 situation, would that have any bearing on your ability
13 to be open and have a clear conscious in judging the
14 facts of this particular case?

15 JUROR: No.

16 MR. FORD: Ms. Nelson, how are you?

17 JUROR: Fine.

18 MR. FORD: Are you employed, ma'am?

19 JUROR: Yes, I am. We own our own business.

20 MR. FORD: What type of business is it?

21 JUROR: Signs First.

22 MR. FORD: And your husband works with you?

23 JUROR: No, he's in the insurance business,
24 insurance agent.

25 MR. FORD: How many children do you have?

1 JUROR: Three.

2 MR. FORD: What are their ages?

3 JUROR: 18, 15 and 12.

4 MR. FORD: I'll refer this question to you
5 and to the other ladies. Of course, there is going to
6 be some testimony from children in this case. We
7 anticipate that. Would that have any affect on your
8 ability to look at this with an open mind?

9 JUROR: No.

10 MR. FORD: And, Ms. Nelson, have you or your
11 husband served in the military?

12 JUROR: No.

13 MR. FORD: Have you served as a juror before?

14 JUROR: Just this term.

15 MR. FORD: In this courtroom?

16 JUROR: Right.

17 MR. FORD: Do you have any close friends or
18 relatives that are involved in law enforcement?

19 JUROR: No.

20 MR. FORD: Have you or any family members
21 been the victim of a crime?

22 JUROR: No.

23 MR. FORD: Ms. Turner, are you employed,
24 ma'am?

25 JUROR: Yes, I am. I'm the program director

1 at Northside United Methodist Church.

2 MR. FORD: Are you married?

3 JUROR: I'm divorced.

4 MR. FORD: Do you have any children?

5 JUROR: Two.

6 MR. FORD: Grown?

7 JUROR: Grown and gone.

8 MR. FORD: Have you served in the military
9 before?

10 JUROR: No.

11 MR. FORD: Have you ever served as a juror?

12 JUROR: Just this term.

13 MR. FORD: Just here, nowhere else before?

14 JUROR: No.

15 MR. FORD: Do you have any close friends or
16 relatives that are connected or involved in law
17 enforcement in any way?

18 JUROR: No.

19 MR. FORD: Have you been the victim of a
20 crime?

21 JUROR: My house was broken into.

22 MR. FORD: How long ago was that?

23 JUROR: About five years ago.

24 MR. FORD: Did they catch who did it?

25 JUROR: Of course not. No.

1 MR. FORD: I hope that that won't affect your

2 --

3 JUROR: No.

4 MR. FORD: Didn't expect them to, did you?

5 JUROR: No.

6 MR. FORD: Ms. Mosley. How are you, Ms.

7 Mosley?

8 JUROR: Fine.

9 MR. FORD: Have I represented you?

10 JUROR: No.

11 MR. FORD: I didn't think I had. Okay. I

12 just wanted to make sure I hadn't. Where are you

13 employed, Ms. Mosley?

14 JUROR: Home health agency.

15 MR. FORD: Are you married?

16 JUROR: Yes.

17 MR. FORD: And what does your husband do?

18 JUROR: Self-employed carpenter.

19 MR. FORD: Do y'all have any children?

20 JUROR: Four.

21 MR. FORD: What are their ages?

22 JUROR: 19, 16, 13 and 12.

23 MR. FORD: Again, you heard my question about
24 the children being witnesses.

25 JUROR: Yes. It won't affect me.

1 MR. FORD: Okay. Is your husband in the
2 military, or have you ever served in the military?

3 JUROR: No.

4 MR. FORD: Have you served as a juror before?

5 JUROR: No.

6 MR. FORD: Did you serve -- You weren't
7 picked this term of court?

8 JUROR: No.

9 MR. FORD: Do you have any close friends or
10 relatives that work or are employed in law enforcement?

11 JUROR: No.

12 MR. FORD: Have you or any family member been
13 the victim of a crime?

14 JUROR: No.

15 MR. FORD: Ms. Heavener?

16 JUROR: Yes, sir.

17 MR. FORD: Are you employed, ma'am?

18 JUROR: Yes, sir.

19 MR. FORD: And where are you employed?

20 JUROR: Heil Beauty Supply.

21 MR. FORD: What do you do there?

22 JUROR: I'm a sales clerk.

23 MR. FORD: Okay. Are you married, ma'am?

24 JUROR: Yes, I am.

25 MR. FORD: And what does your husband do?

1 JUROR: He works at Lowe's.

2 MR. FORD: Do you have any children?

3 JUROR: No.

4 MR. FORD: What does he do at Lowe's? Is he
5 a supervisor or ...

6 JUROR: Contractor sales.

7 MR. FORD: Was he in the military, or have
8 you ever served in the military?

9 JUROR: No.

10 MR. FORD: Have you ever served as a juror
11 before?

12 JUROR: Yes, sir, this term.

13 MR. FORD: This term, this court. Any other
14 time?

15 JUROR: No, sir.

16 MR. FORD: Do you have any close friends or
17 family members that are connected with or employed by
18 law enforcement?

19 JUROR: I have a cousin that works for the
20 City Court Clerk's office.

21 MR. FORD: Have you all discussed any cases
22 or court matters that come up?

23 JUROR: No.

24 MR. FORD: Have you or any of your family
25 members been the victim of a crime?

1 JUROR: No, sir.

2 MR. FORD: Ms. Long. Good afternoon, Ms.
3 Long. Are you employed, ma'am?

4 JUROR: Yes, I work for my husband. He's a
5 building contractor.

6 MR. FORD: Do y'all have any children?

7 JUROR: Yes.

8 MR. FORD: What are their ages?

9 JUROR: 10 and 13.

10 MR. FORD: Of course, you heard my question
11 about children testifying. Would that have any affect
12 on you at all?

13 JUROR: No.

14 MR. FORD: Have you or your husband served in
15 the military?

16 JUROR: My husband was in the Marines.

17 MR. FORD: What years did he serv?

18 JUROR: Vietnam.

19 MR. FORD: Vietnam, okay. One tour, two
20 tours?

21 JUROR: Two tours.

22 MR. FORD: Two tours in Vietnam. Have you
23 served as a juror?

24 JUROR: Here.

25 MR. FORD: Is this the only time that you've

1 ever served?

2 JUROR: Yes.

3 MR. FORD: Do you have any close friends or
4 relatives that are connected in law enforcement?

5 JUROR: No.

6 MR. FORD: Have you or any family member or
7 close friend been a victim of a crime?

8 JUROR: No.

9 MR. FORD: Mr. Collins, good afternoon, sir.
10 Which witness -- You stated that you knew one of the
11 witnesses. Which one was that?

12 JUROR: Rick Lunsford, one of the officers.

13 MR. FORD: Okay. Is that a casual
14 acquaintance, close friends or --

15 JUROR: I worked security with him.

16 MR. FORD: Worked security when he was off
17 duty?

18 JUROR: Yes.

19 MR. FORD: What -- At a department store or
20 ...

21 JUROR: Tremors.

22 MR. FORD: Tremors, okay. Are you married,
23 sir?

24 JUROR: No, sir.

25 MR. FORD: Do you have any children?

1 JUROR: One daughter, 27.

2 MR. FORD: Have you ever served in the
3 military?

4 JUROR: No.

5 MR. FORD: Have you served as a juror?

6 JUROR: In '84 and now.

7 MR. FORD: Criminal cases in '84 or were they
8 civil?

9 JUROR: I never was picked. I can't remember
10 what it was.

11 MR. FORD: You just came in, and you were
12 lucky enough not to be picked.

13 JUROR: Right.

14 MR. FORD: Okay. Do you have any close
15 friends or relatives that are connected with law
16 enforcement?

17 JUROR: Just friends.

18 MR. FORD: Do you discuss any cases, duties,
19 anything of that nature?

20 JUROR: No.

21 MR. FORD: Have you or any family member been
22 a victim of a crime?

23 JUROR: No, sir.

24 MR. FORD: And, Ms. Brown, finally. Are you
25 employed, ma'am?

1 JUROR: Woodland Baptist Church in the
2 daycare.

3 MR. FORD: Are you married?

4 JUROR: Yes.

5 MR. FORD: Do you have any children?

6 JUROR: A two-year-old.

7 MR. FORD: Where does your husband work?

8 JUROR: He's a loan prevention specialist for
9 an insurance company.

10 MR. FORD: Does he supervise any employees
11 that work under him?

12 JUROR: No.

13 MR. FORD: Has he or you served in the
14 military at any time?

15 JUROR: No.

16 MR. FORD: Have you served as a juror before
17 now?

18 JUROR: The first time was several years ago,
19 and it was a murder case and a sequestered jury.

20 MR. FORD: A sequestered jury?

21 JUROR: Yes.

22 MR. FORD: Okay. Do you have any close
23 friends or relatives that are connected with law
24 enforcement?

25 JUROR: My brother-in-law is on the sheriff's

1 department.

2 MR. FORD: What's his name?

3 JUROR: Jerry Elston.

4 MR. FORD: Okay. The fact that he works with
5 the sheriff's department, would that influence your
6 ability to enter into this case with an open mind?

7 JUROR: No.

8 MR. FORD: Have you or any family member been
9 the victim of a crime?

10 JUROR: I had a house burglary.

11 MR. FORD: House burglary. I'm not going to
12 ask you if they caught them or not. The fact that that
13 did occur, would that have any influence on you at all
14 in deciding this case?

15 JUROR: No.

16 MR. FORD: I believe that's all the questions
17 I have at this time, Your Honor.

18 **(The following proceedings were**
19 **had in the jury room:)**

20 THE COURT: What is your name, ma'am?

21 JUROR: Leora Love.

22 THE COURT: Leora, we want to ask you some
23 questions about the handling of the death penalty
24 should it become necessary for you to vote on it.

25 General.

1 **EXAMINATION BY MR. WOODALL:**

2 Q Ms. Love, upon a finding of guilt to murder
3 in the first degree, the State of Tennessee is going to
4 ask you to impose the death penalty. Can you fairly
5 consider the death penalty along with other forms of
6 punishment?

7 A Yes.

8 Q Now, the law in the State of Tennessee is
9 this, that if the State proves to your mind beyond a
10 reasonable doubt after a finding of guilt to murder in
11 the first degree that the aggravating circumstances
12 outweigh any mitigating circumstances the Defendant may
13 raise on his behalf, then the punishment shall be
14 death. Can you follow the law in the State of
15 Tennessee?

16 A Yes, sir.

17 Q And will you do that?

18 A Yes, sir.

19 MR. WOODALL: Thank you.

20 **EXAMINATION BY MR. FORD:**

21 Q Ms. Love, we may not ever get to the point
22 where we have to decide the issue of the death penalty.
23 This case is divided up into two different parts. The
24 first part we call the guilt or innocence phase. In
25 that part the State of Tennessee would have to prove

1 beyond a reasonable doubt that a premeditated first
2 degree murder occurred, meaning it was planned, it was
3 deliberate, it was done with a cool purpose and mind
4 after reflection and judgment. If the State of
5 Tennessee does not prove that first degree
6 premeditation beyond a reasonable doubt, would you
7 consider a lesser included offense of second degree
8 murder, if the Court so instructs you?

9 A Yes.

10 Q We expect that the proof in this case is
11 going to show that there were some domestic problems
12 between the parties, and I have to ask a sensitive
13 question and we're asking it back here so nobody else
14 can hear this. Have you or any family member been
15 involved -- or had any domestic problems, arguments out
16 of the ordinary? Everybody argues, but, I mean, you
17 know what I'm saying.

18 THE COURT: Have you ever had any violence
19 connected with anybody in your family where it's man
20 and wife?

21 JUROR: No.

22 THE COURT: Is that all right?

23 JUROR: Yes, sir.

24 Q If we get to the penalty phase which is the
25 second part, the State of Tennessee will be trying to

1 prove that certain aggravating circumstances exist
2 surrounding this case, and we will put on proof, or
3 there will be proof of certain mitigating
4 circumstances. As a juror in the penalty phase, you
5 will be called upon to weigh the proof, to weigh the
6 aggravating circumstances against the mitigating
7 circumstances, and if the aggravating circumstances do
8 not outweigh the mitigating circumstances beyond a
9 reasonable doubt, then you can consider other forms of
10 punishment other than the death penalty. You can
11 consider life without parole and you could also
12 consider life with the possibility of parole. Will you
13 consider all three forms of punishment?

14 A Yes, sir.

15 Q If we get to that point.

16 (JUROR EXCUSED.)

17 - - - - -

18 THE COURT: Ma'am, we're going to ask you
19 questions about how the death penalty is handled. You
20 listen to these questions.

21 What's your name?

22 JUROR: Laura Bozza.

23 EXAMINATION BY MR. WOODALL:

24 Q Ms. Bozza, upon a finding of guilt to murder
25 in the first degree, the State of Tennessee is going to

1 ask you to impose the death penalty. Can you fairly
2 consider the death penalty along with other forms of
3 punishment?

4 A I'm not sure I can, just to be honest. I
5 think I'd have a hard time.

6 Q That's why we're here. I mean, this is
7 serious business.

8 A Right, absolutely.

9 Q Speak now or forever hold your peace. The
10 law also in the State of Tennessee is this, that if the
11 aggravating circumstances proven by the State beyond a
12 reasonable doubt outweigh the mitigating circumstances
13 that the Defendant might raise on his behalf, the
14 punishment shall be death. Now that's the law in the
15 State of Tennessee. And if you have misgivings about
16 it and don't feel like you could follow the law, now is
17 the time to tell us.

18 A Well, I think that I'd have a real hard time
19 signing my name to a death penalty. I really do.

20 Q And there's no right or wrong answer here.
21 You're certainly not going to be punished because you
22 don't feel like that you could do this. Is this based
23 upon personal beliefs or religious beliefs, or both?

24 A Both.

25 Q Would it be a fair statement to say that

1 based upon these very I assume strong personal and
2 religious beliefs, that even if the State of Tennessee
3 says that you must impose the death penalty, you
4 couldn't do it?

5 A I don't think so, no, sir.

6 Q And won't do it.

7 A No, sir.

8 Q Just can't and won't.

9 A Yes, sir.

10 Q You would consider life without parole or
11 life with the possibility of parole, but Ms. Bozza
12 isn't going to consider nor will she vote to impose the
13 death penalty.

14 A Right.

15 MR. WOODALL: Thank you.

16 MR. MAYO: Your Honor, if I could go ahead
17 and question her.

18 THE COURT: Sure.

19 **EXAMINATION BY MR. MAYO:**

20 Q Ms. Bozza, Mr. Woodall has asked you about
21 whether or not you could impose the death penalty. You
22 understand Tennessee has got laws and there are reasons
23 for those laws; is that correct?

24 A Uh-huh.

25 Q And you follow those laws in your everyday

1 life. That's also correct, isn't it?

2 A Yes.

3 Q There are other forms of punishment, Mr.
4 Woodall just mentioned those, if the jury comes back
5 with a first degree conviction on Mr. Hall, life
6 without parole, life with parole and the death penalty.
7 All three of those are the laws of Tennessee. The jury
8 gets to weigh out the evidence at a sentencing hearing
9 and decide whether they believe that the mitigation
10 weighs more than the aggravating factors or the
11 aggravating factors weigh more than the mitigating
12 factors. If the mitigation weighs more, then it would
13 be life with parole or life without parole. Do you
14 understand that?

15 A Yes.

16 Q If Judge LaFon orders you and instructed you
17 as a member of this jury to follow the laws of
18 Tennessee and you were sitting on there and the proof
19 came back where Mr. Hall had committed the first degree
20 murder, do you think that you could follow the law of
21 Tennessee and carry that out?

22 A I guess, other than the death penalty.

23 Q You don't think that even if you were
24 instructed to follow the law of Tennessee that you
25 could impose the death penalty at all?

1 A No.

2 Q Under any circumstance?

3 A If that was what the law required, I guess I
4 would.

5 MR. MAYO: Thank you.

6 THE COURT: Ma'am, here's the situation. Now
7 you have the question of the jury finding him guilty,
8 and then you consider the mitigating and aggravating
9 circumstances. And should it come up in your opinion
10 he was guilty of murder, that would carry the death
11 penalty. Would you vote for that? Now nobody is going
12 to be mad at you. This is a tough situation.

13 JUROR: Yes, sir, it is.

14 THE COURT: And it's not any reflection on
15 you at all. You've been sitting on juries out here
16 doing a good job, and you have a right to express your
17 opinion. And the question is, in the event that the
18 proof did show that he's guilty of what's constituted
19 murder that would carry the death penalty, would you
20 vote for the death penalty? Would you consider it?

21 JUROR: I'd consider it. I just --

22 THE COURT: Well, would you do it? It's all
23 right.

24 JUROR: No. I've just always -- I don't
25 know. Even the little cases that we've done so far, I

1 leave out of here and my conscious is thinking back
2 over everything, and I don't know that I can
3 personally, because of religious background, actually
4 say --

5 THE COURT: It's all right for you to express
6 your opinion. Nobody is -- What is your opinion?
7 Could you under any circumstances vote for the death
8 penalty?

9 JUROR: No. I'd just have to say no.

10 THE COURT: I believe, General, that I've
11 tried as best as I can.

12 Do you have any problem with that, Mr. Ford?

13 MR. FORD: No, sir.

14 THE COURT: You can go.

15 - - - - -

16 THE COURT: What is your name?

17 JUROR: Luanne Nelson.

18 THE COURT: You're going to be asked some
19 questions about handling the death penalty, so you pay
20 attention and answer them as best you can.

21 JUROR: Okay.

22 THE COURT: Go ahead, General.

23 **EXAMINATION BY MR. WOODALL:**

24 Q Ms. Nelson, upon a finding of guilt of murder
25 in the first degree, the State of Tennessee is going to

1 ask you to impose the death penalty in this case. Can
2 you fairly consider the death penalty along with other
3 forms of punishment?

4 A Yes.

5 Q I believe if we get to that point in the
6 trial, that the Judge will at the appropriate time
7 instruct you that the law in the State of Tennessee is
8 this: Upon a finding of guilt of murder in the first
9 degree, if the State proves to your mind beyond a
10 reasonable doubt that the aggravating circumstances
11 outweigh the mitigating circumstances which might be
12 raised by the Defendant on his own behalf, then the
13 punishment that you must impose is death. Can you do
14 that?

15 A Yes, I can.

16 MR. WOODALL: Thank you.

17 **EXAMINATION BY MR. FORD:**

18 Q Ms. Nelson, this case is divided into two
19 different parts. There is the guilt or innocence phase
20 and there's the penalty phase. Now we may not ever get
21 to the point of having to recognize the death sentence
22 as, you know, a penalty to apply in this case because
23 the State of Tennessee in a guilt or innocence phase
24 has to prove that there was a premeditated first degree
25 murder, meaning that it was done deliberately, with a

1 cool purpose in mind after reflection and judgment.

2 The State has to prove all of those elements of
3 premeditation before we get there. If the State fails
4 to do that, fails to prove premeditation, that there
5 was actually a premeditated murder, would you consider
6 the lesser included offense of second degree murder?

7 A Uh-huh.

8 Q Okay. One of the reasons we bring you back
9 here is so that we can -- there are certain questions
10 that we have to ask that are sensitive in nature and we
11 don't want the general public knowing the answer, and
12 one of those is, we expect the proof will show that
13 this was a domestic situation relationship and there
14 were problems in the relationship. Have you or any
15 family member, friend, had any domestic-type problems
16 that arose to a serious degree?

17 a No.

18 Q If we do get to the penalty phase, there's no
19 automatic death penalty. You're not required to
20 automatically just say, "Well he's guilty. Death
21 penalty." What happens at that point is that there are
22 -- the State of Tennessee has to prove certain
23 aggravating circumstances exist beyond a reasonable
24 doubt. They have to -- the same criteria that you
25 would apply in the guilt or innocence phase. They have

1 to prove aggravating circumstances surrounding this
2 case beyond a reasonable doubt. There will also be
3 proof of mitigation, things that lessen culpability.
4 Your job at that point would be to weigh up
5 aggravators, mitigation, and come to a conclusion as to
6 whether or not the aggravating circumstances outweigh
7 the mitigating circumstances. Then you consider the
8 punishment and the appropriate form of punishment. Now
9 there are three forms of punishment, of course, the
10 death penalty being one of them. The other one, the
11 other two, there's life without parole, and there's
12 also life with the possibility of parole. Would you
13 also consider those other two forms of punishment?

14 A Yes, sir.

15 MR. FORD: Thank you.

16 **(JUROR EXCUSED.)**

17 - - - - -

18 THE COURT: Tell us your name, ma'am.

19 JUROR: Donna Turner.

20 THE COURT: Ms. Turner, you're going to be
21 questioned about how to handle -- about the death
22 penalty. Let me ask you one more thing. We didn't do
23 it out there, but do you have any -- There's going to
24 be some evidence probably of domestic problems in this
25 case. Has any member of your family been in any

1 trouble where there was violence or any violence with
2 regard to a domestic ...

3 JUROR: No.

4 **EXAMINATION BY MR. WOODALL:**

5 Q Ms. Turner, upon a finding of guilt of murder
6 in the first degree, the State of Tennessee is going to
7 ask you to impose the death penalty in this case. Can
8 you fairly consider the death penalty along with other
9 forms of punishment?

10 A No, sir.

11 Q You cannot?

12 A No, sir.

13 Q All right. Now is this for personal reasons
14 and religious reasons?

15 A Yes, sir.

16 Q All right. And there's no wrong answer to
17 this. This is very serious business. But what you're
18 telling me is that irrespective of what the law is in
19 the State of Tennessee, based upon your very deeply
20 held personal or religious convictions, you could vote
21 for life imprisonment or life without parole but could
22 under no circumstances vote for the death penalty.

23 A No, sir.

24 Q Could not.

25 A No, sir.

1 Q And will not. Will not; is that correct?

2 A Yes, sir.

3 - - - - -

4 **EXAMINATION BY MR. FORD:**

5 Q I know it's a very sensitive issue, but what
6 the question is, would you consider it? In other
7 words, you don't have to automatically do it, but in a
8 case like this, if the State proves that there is a
9 deliberate, premeditated first degree murder and that
10 there are aggravating circumstances present that
11 outweigh mitigating circumstances -- now you'll listen
12 to a lot of information -- the question is, would you
13 consider that as an appropriate form of punishment
14 along with other possibilities, being life without
15 parole and life with the possibility of parole? It's
16 just would you consider it.

17 A If taking a life is such a heinous crime,
18 then you can't take a person's life. That's --

19 THE COURT: Ma'am, let me ask you this.
20 Would you under any circumstances vote for the death
21 penalty?

22 JUROR: No, sir.

23 THE COURT: Does that get it, Mr. Ford?

24 MR. FORD: Yes, sir.

25 THE COURT: All right, you're excused. Call

1 in Wednesday night.

2 - - - - -

3 THE COURT: What is your name, please, ma'am?

4 JUROR: Wanda Mosley.

5 THE COURT: This is -- You'll be questioned
6 about how to handle a case regarding the death penalty.
7 Let me ask you one more thing they hadn't asked out
8 there. But sometimes -- There's going to be possibly
9 some domestic problems in this case. Has any member of
10 your family or you been having any domestic violence?

11 JUROR: No.

12 **EXAMINATION BY MR. WOODALL:**

13 Q Ms. Mosley, upon a finding of guilt of murder
14 in the first degree, the State of Tennessee is going to
15 ask you to impose the death penalty. Can you fairly
16 consider the death penalty along with other forms of
17 punishment?

18 A Yes.

19 Q I believe if the State does prove to your
20 mind beyond a reasonable doubt to a moral certainty
21 that the Defendant is, in fact, guilty of murder in the
22 first degree, the Court will then instruct you that if
23 you find that the aggravating circumstances do not
24 outweigh the mitigating circumstances, in other words,
25 something the Defendant would say on his own behalf,

1 then you shall impose the death penalty. That's the
2 law in the State of Tennessee. Can you follow the law
3 in the State of Tennessee?

4 A Yes.

5 Q Will you follow the law?

6 A Yes.

7 MR. WOODALL: Thank you.

8 **EXAMINATION BY MR. MAYO:**

9 Q Ms. Mosley, how do you feel about the death
10 penalty?

11 A How do I feel about it?

12 Q Uh-huh.

13 A Well, I don't -- If it's proven, you know, I
14 don't really have a problem with it if I feel that --
15 you know, everything was handled right and the person
16 was guilty.

17 Q Thank you. General Woodall spoke of several
18 things about first degree murder. This trial is going
19 to take place perhaps in two parts. The first part of
20 the trial or phase of the trial is the guilt or
21 innocence phase, and that's where it has to be
22 determined if Mr. Hall committed murder, period, and if
23 he did, what type of murder was it. Mr. Woodall has
24 mentioned first degree murder. He has to be convicted
25 of first degree murder to be subjected to the death

1 penalty, to have a possibility of getting the death
2 penalty. As part of first degree murder, Mr. Woodall
3 has to put on proof that this act was committed
4 premeditatedly, it was premeditated, and it was carried
5 out with cool, deliberate purpose, acting in a cool way
6 with judgment, reflection, clear head. Now, if the
7 State through Mr. Woodall and Mr. Earls does not prove
8 to you beyond a reasonable doubt each and every
9 element, premeditation, deliberation, would you be
10 willing to consider other offenses that Mr. Hall may be
11 guilty of? Namely, second degree murder?

12 A Yes.

13 Q If the State proves the first degree murder
14 case to you, and if they do, there will be a second
15 phase of it which would be the sentencing phase. And
16 at that phase there will be proof put on by the State
17 as to aggravation, aggravating factors the State is
18 asking you to rely upon to sentence Mr. Hall to death.
19 And the defense will be putting on mitigation factors,
20 explanations of why this may have occurred. You are
21 under no obligation to sentence someone to death. Do
22 you understand that you have other options?

23 A Yes.

24 Q Will you be willing to listen to the
25 mitigation factors just as much as you are willing to

1 listen to the aggravating factors?

2 A Yes.

3 Q Will you be willing to impose a sentence of
4 life without parole or life with parole if he's
5 convicted of first degree murder and you feel that the
6 mitigation factors outweigh the aggravating factors?

7 A Yes.

8 MR. MAYO: Thank you.

9 **(JUROR EXCUSED.)**

10 - - - - -

11 **(All parties returned into open**
12 **court, and the following proceedings**
13 **were had to-wit:)**

14 THE COURT: Pass your forms.

15 I believe Ms. Tubbs, please step down.

16 Ma'am, you come around.

17 All right, ladies and gentlemen, you've been
18 tentatively selected as a member of the jury. I
19 believe we'll select two alternates.

20 You two come around.

21 Let's go to the jury room.

22 **(The following proceedings were**
23 **had in the jury room:)**

24 THE COURT: What is your name, ma'am?

25 JUROR: Francis Heavner.

1 THE COURT: Francis, we're -- the lawyers are
2 here asking you questions about the death penalty, and
3 you just answer them. Now one other thing, we didn't
4 do it out there, but there may be some domestic
5 violence or at least domestic trouble in this case.
6 Has there ever been any of your family, some member of
7 your family, where there's domestic violence?

8 JUROR: No, sir.

9 THE COURT: All right, General.

10 **EXAMINATION BY MR. WOODALL:**

11 Q Ms. Heavner, if you're called upon to replace
12 one of these jurors, you're kind of like a spare tire
13 in the trunk. You're selected as an alternate, but if
14 the tire goes flat you become very important. So
15 obviously you need to listen to the proof just like if
16 you may be called upon to deliberate.

17 A Yes, sir.

18 Q So the question then becomes, upon a finding
19 of guilt of murder in the first degree, the State of
20 Tennessee is going to ask you to impose the death
21 penalty, Ms. Heavner. Can you fairly consider the
22 death penalty along with other forms of punishment?

23 A Well I thought about it, and I'd base my
24 opinion on like, say, the evidence that's presented,
25 whatever.

1 Q Okay. So you could fairly consider the death
2 penalty, is what you're saying, along with other forms
3 of punishment.

4 A If it comes down to it. Like I said, the
5 evidence ...

6 Q Well sure. We would certainly want you to do
7 that. That's your duty and your obligation. Now, if
8 the jury finds the Defendant guilty of murder in the
9 first degree, I've already told you we're going to ask
10 for the death penalty if it's appropriate. But now the
11 Court will instruct you at that time that if the
12 aggravating circumstances proved by the State beyond a
13 reasonable doubt outweigh any mitigating circumstances
14 that the Defendant may present in his behalf, then the
15 law in the State of Tennessee is you shall impose the
16 death penalty. Can you follow the law in the State of
17 Tennessee?

18 A I can follow the law, yes, sir.

19 MR. WOODALL: Thank you.

20 **EXAMINATION BY MR. FORD:**

21 Q Ms. Heavner, we may not ever get to that
22 point in this trial. This case is divided into two
23 separate parts, the first part being what we refer to
24 as the guilt and innocence phase, where there will be a
25 trial where the State will be required, just like in

1 any other trial, to prove the elements of the offense
2 charged beyond a reasonable doubt. In this case the
3 State is seeking to prove premeditated first degree
4 murder, a murder that was committed with deliberation,
5 with plan, with cool purpose, after much use of --
6 thought, judgment and reflection, that kind of thing.
7 If the State is unable to prove premeditation, would
8 you consider a lesser included offense which would be
9 second degree murder?

10 A Yes.

11 Q You're going to look at all the evidence is
12 what you're saying.

13 A Yes, sir.

14 Q If we get to the penalty phase, there will be
15 mitigating factors, aggravating factors, and you'll be
16 asked to weigh them up, and that's another form of
17 looking at the evidence. There are three forms of
18 punishment that you can impose. Of course, you've been
19 asked about the death penalty, and there's life without
20 the possibility of parole and life with parole. Would
21 you also consider those other forms of punishment if we
22 get to the penalty phase and if the aggravating factors
23 outweigh the mitigating factors in this particular
24 matter?

25 A Yes, sir.

1 MR. FORD: Thank you.

2 (JUROR EXCUSED.)

3 MR. WOODALL: Judge, before we bring another
4 juror in, I think we ought to understand the ground
5 rules for challenging an alternate. One per alternate.

6 THE COURT: That's right.

7 MR. WOODALL: If you challenge this one, then
8 the next one will stick unless you can get them for
9 cause.

10 MR. WOODALL: Will they become number -- The
11 second person would become the first alternate, and
12 unless they challenge them, that becomes the first
13 alternate.

14 THE COURT: We're going to select this
15 alternate.

16 MR. WOODALL: I understand.

17 THE COURT: And then if somebody gets sick,
18 that alternate will be the first one to go on the main
19 jury.

20 MR. WOODALL: Right. Now, I would ask of the
21 Court to do three alternates instead of two. I've been
22 through this too many times to --

23 THE COURT: I have no objection to that. I
24 don't mind three.

25 - - - - -

1 THE COURT: Tell us your name.

2 JUROR: Ardis Long.

3 THE COURT: Ms. Long, there's going to be
4 some questions about how the death penalty is handled.
5 Also, we didn't do it out there, but sometimes there is
6 some domestic violence that people have had or know
7 about, and there may be some in this case if you try
8 it. Have you had any domestic violence in your own
9 family?

10 JUROR: No.

11 THE COURT: All right, General.

12 **EXAMINATION BY MR. WOODALL:**

13 Q Ms. Long, obviously an alternate is very
14 important because, in your case, if two of the other
15 jurors are excused for any reason, then you would be
16 called upon to participate in the deliberation and hear
17 out the rest of the trial. So it becomes important,
18 and I ask you this, that upon a finding of guilt of
19 murder in the first degree, the State of Tennessee is
20 going to ask you, Ms. Long, to impose the death
21 penalty. Can you fairly consider the death penalty
22 along with other forms of punishment?

23 A Yes.

24 Q The second question then becomes, upon a
25 finding of guilt of murder in the first degree, if the

1 State proves beyond a reasonable doubt that the
2 aggravating circumstances outweigh the mitigating
3 circumstances, those produced by the Defendant, then
4 the law in the State of Tennessee is that you shall
5 impose the death penalty. Can you follow the law in
6 the State of Tennessee?

7 A Yes, sir.

8 MR. WOODALL: Thank you.

9 **EXAMINATION BY MR. MAYO:**

10 Q Ms. Long, how do you feel about the death
11 penalty?

12 A I agree with it.

13 Q Why do you agree with it? What purpose do
14 you think it serves?

15 A I just have always agreed with it. I feel
16 like if you do that kind of a crime you should be
17 punished.

18 Q Do you think that there are other forms of
19 punishment that would be enough, under certain
20 circumstances?

21 A It depends on the circumstances.

22 Q Mr. Woodall was talking to you about the
23 first degree murder, and if you found Mr. Hall guilty
24 of first degree murder, there are two phases to this
25 trial. The first phase is the guilt or innocence

1 phase. During the phase you determine whether you
2 believe beyond a reasonable doubt the elements of first
3 degree murder have been proven. The State carries that
4 burden of proof. It's their burden of proof all the
5 way through the trial. Of those elements,
6 premeditation and deliberation are very important.
7 Premeditation means a plan to do what the Defendant is
8 supposed to have done, and deliberation means a cool
9 purpose in carrying out that plan, reflection,
10 judgment, clear head, things like that. If the State
11 does not prove beyond a reasonable doubt, no matter
12 what the circumstances of the crime are, no matter how
13 bad it may seem, if those elements are not proven
14 beyond a reasonable doubt, are you willing to consider
15 other offenses that Mr. Hall may be guilty of, namely,
16 second degree murder?

17 A Sure.

18 Q If the jury finds beyond a reasonable doubt
19 that Mr. Hall is guilty of first degree murder, we just
20 covered this briefly, but if the jury finds that, there
21 are three different punishments that the jury could
22 hand out, one being the death penalty, the other being
23 -- the other two being life with parole, life without
24 parole. The State will put on aggravating factors.
25 The defense will put on mitigating factors. It is up

1 to the jury solely to decide whether the mitigating
2 factors outweigh the aggravating factors or vice versa.
3 Will you listen to those mitigating factors, and if the
4 mitigating factors outweigh the aggravating factors,
5 will you agree to consider the other forms of
6 punishment, namely life with parole or life without
7 parole, and return a verdict of that if you believe
8 that the mitigating factors outweigh the aggravating
9 factors?

10 A Yes.

11 MR. MAYO: Thank you.

12 (JUROR EXCUSED.)

13 - - - - -

14 THE COURT: What is your name, sir?

15 JUROR: Billy Collins.

16 THE COURT: Mr. Collins, there may be some
17 domestic violence in this case, some trouble or what
18 not. Have you ever had any in your own immediate
19 family where that -- I don't mean having an argument
20 like I have with my wife, but I'm talking -- you know
21 what it means to be violent. Have you ever had
22 anything like that?

23 JUROR: No, sir.

24 THE COURT: All right.

25 JUROR: Not with my family members.

1 THE COURT: Well, is there any violence that
2 you know of that would cause you to -- affect your
3 judgment in this case?

4 JUROR: No.

5 THE COURT: All right, General.

6 He's going to ask you some questions and then
7 the other lawyer about the death penalty.

8 **EXAMINATION BY MR. WOODALL:**

9 Q Mr. Collins, upon a finding of guilt to
10 murder in the first degree, the State of Tennessee is
11 going to ask you to impose the death penalty, if you're
12 chosen, asked to sit as a juror. Can you fairly
13 consider the death penalty along with other forms of
14 punishment?

15 A Yes, sir.

16 Q All right. The next question then becomes,
17 upon a finding of guilt of murder in the first degree
18 and if the State proves beyond a reasonable doubt that
19 the aggravating circumstances outweigh the mitigating
20 circumstances, the law in the State of Tennessee is
21 that you shall impose the death penalty. Can you
22 follow the law in the State of Tennessee?

23 A Yes, sir

24 MR. WOODALL: Thank you.

25 **EXAMINATION BY MR. FORD:**

1 Q Mr. Collins, being the third alternate, if
2 you are chosen to be the third alternate, there is a
3 slim possibility that you'd have to serve, but you
4 might have to. And, of course, that would require you
5 to give careful consideration to all the testimony
6 throughout the trial because you never know when
7 something -- an illness could come up, or, we had a
8 case where a death came up in the family, and you might
9 be right up there, you know, as a third substitute.

10 But in this type case we may never get to the
11 penalty phase because the first part of this case is
12 the guilt or innocence phase, and the State -- just a
13 regular trial. The State would have to prove that a
14 premeditated murder occurred. One, that there was a
15 plan, so to speak, that it was carried out after
16 reflection and judgment with a cool purpose. You know
17 what I'm saying. If the State doesn't prove
18 premeditation beyond a reasonable doubt, will you
19 consider a lesser included charge such as second degree
20 murder?

21 A Yes, sir.

22 Q If we get to the penalty phase and the jury
23 is required to weigh up aggravating circumstances
24 against the mitigating circumstances, would you fairly
25 consider all of the evidence on aggravating

1 circumstances and mitigating circumstances and weigh
2 those up, and if the aggravating circumstances do not
3 outweigh mitigating factors, meaning there's some
4 reason in your mind not to impose the death penalty
5 that's justified by the proof, would you consider other
6 forms of punishment?

7 A Yes, sir.

8 Q Those other forms of punishment are life with
9 the possibility of parole and life without parole. Can
10 you consider those?

11 A Yes, sir.

12 MR. FORD: Thank you, sir.

13 (JUROR EXCUSED.)

14 - - - - -

15 (All parties returned into open court,
16 and the following proceedings were
17 had to-wit:)

18 THE COURT: Pass your forms.

19 Ms. Heavner, you will be the first alternate.
20 Ms. Long and Mr. Collins, you'll be the second and
21 third alternates.

22 (The jury of 12 and three alternates
23 were duly sworn; the court officers
24 were duly sworn; the Court read to
25 the jury preliminary instructions;

1 there was a short recess; the indictment
2 was read by Mr. Jerry Woodall, District
3 Attorney for the State of Tennessee; a
4 plea of not guilty was entered on behalf
5 of the Defendant Hall by Mr. Ford;
6 opening statements were made on
7 behalf of the State; the following
8 opening statement was made on behalf
9 of the Defendant by Mr. Ford:)

10 MR. FORD: Ladies and gentlemen, Mr. Woodall
11 has done a very able job. I like his road map analogy.
12 I've used that before, and that's a good way to look at
13 an opening statement.

14 What I submit to you all, ladies and
15 gentlemen, is that the proof will show that Jon Hall
16 and Billie Hall had been having severe domestic
17 problems for a number of years. But, there were a
18 series of unfortunate events in their lives that
19 increased the stress level, that increased the
20 emotional level, in both their lives. For example, the
21 proof will show that during the marriage a child was
22 born of this marriage, it was a special needs child,
23 that added stress to any situation.

24 The proof will show that on this particular
25 evening, Jon Hall was going to his rsidence to try to

1 reconcile with his wife. The proof will show that, in
2 fact, he was taking money out there to pay his child
3 support. That was his purpose of going out there.
4 Sure, emotions came forward. We can't deny that Mrs.
5 Hall met her death. We're simply stating that the
6 proof will show that this was not a planned,
7 deliberate, something acted upon with cool purpose
8 after reflection in judgment. The proof will not bear
9 that out.

10 There are witnesses to this. Sure there are
11 witnesses. The proof will show that in no way was this
12 planned. This was a domestic situation that merely
13 escalated and got out of control, and it was never his
14 intention to go out there to kill his wife. The proof
15 will not show that. That's where the case falls,
16 premeditation.

17 Unfortunate event, but his intent was to
18 reconcile. His intent was to pay child support.
19 There's no weapon here. The proof will show that no
20 weapon was used, no weapon was carried out there. It
21 is not a case of deliberate, premeditated, first degree
22 murder.

23 **(Court was recessed for the day at**
24 **3:45 p.m.)**

25 - - - - -